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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: United Kingdom of Great Britain and Northern Ireland - Overseas Territories

1. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland - Overseas Territories (CRC/C/41/Adds.7 and 9), received on 26 May 1999, at its 647th and 648th meetings (see CRC/C/SR.647-648), held on 21 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report on the Overseas Territories, which followed the established guidelines, and the written replies to its list of issues (CRC/C/Q/UK-OT/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee expresses its satisfaction that the delegation included representatives from a number of the Overseas Territories who are directly involved in the implementation of the Convention, which allowed for a fuller assessment of the situation of the rights of children in the Territories.

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* At the 669th meeting, held on 6 October 2000.

B. Positive aspects

3. The Committee welcomes the efforts of the State party in the area of early childhood health, evident in the high rate of immunization (90-100 per cent coverage) and low incidence of vaccine preventable diseases, as well as the relatively low rate of infant and child mortality.

C. Factors and difficulties impeding the implementation of the Convention

4. The Committee acknowledges that the significant number of Overseas Territories, widely dispersed across the globe, have diverse cultures, as well as diverse levels of economic and social development and varying degrees of autonomy. The Committee also notes the remoteness of some of the territories and their vulnerability to natural disasters. In particular, the Committee notes the devastation caused by the eruption of the Soufriere Hills volcano in Montserrat, which destroyed approximately two thirds of the island. The Committee further notes that their small size and the limited availability of skilled human resources adversely affect the full implementation of the Convention in the Overseas Territories.

D. Subjects of concern and Committee recommendations

1. General measures of implementation

Extension of the Convention and reporting

5. The Committee is concerned that the Convention on the Rights of the Child has not yet been extended to all of the State party's Overseas Territories, including Gibraltar. The Committee is also concerned that while the United Kingdom's notification (7 September 1994) to the United Nations regarding the extension of the Convention to the Overseas Territories indicated that the Convention had been extended to Henderson, Ducie, Oeno and South Georgia and the South Sandwich Islands, the State party report does not include information on these Territories.

6. The Committee recommends that the State party submit, in it its next periodic report, information on the measures taken to extend the Convention to all the Territories within its jurisdiction. It also recommends that the State party take all appropriate measures to facilitate the timely submission of its reports on all of its Overseas Territories to which the Convention on the Rights of the Child has been extended.

Reservations to the Convention

7. The Committee is concerned that the reservations made by the State party with respect to articles 32 and 37 (c) of the Convention on the Rights of the Child have not yet been withdrawn and are still applicable to the Overseas Territories. It also notes with concern that the reservation to article 22 of the Convention made in respect to the Cayman Islands has not yet been withdrawn.

8. In the light of the 1993 Vienna Declaration and Programme of Action, the Committee encourages the State party to consider the possibility of reviewing the reservations with a view to their full withdrawal including with respect to all the Overseas Territories.

Legislation

9. The Committee notes that efforts have been made in a number of the Overseas Territories to introduce legislative reform and facilitate the implementation of the Convention. In this regard, the Committee notes that Bermuda has enacted the Children's Act (1998), the Child Abduction Act (1998), which gives effect to the Hague Convention on the Civil Aspects of Child Abduction, and the Domestic Violence (Protection Orders) Act (1997). The Cayman Islands have enacted the Maintenance Law (1996 Revisions), the Youth (Detention Facility) Order (1996) and the Youth Justice Law (1995). The Falkland Islands and St. Helena have both adopted a children's ordinance, in 1994 and 1996 respectively. The Committee notes with concern that the Children's Law in the Cayman Islands, enacted in 1995, has not been brought into force and that additional amendments are due to be made to the law. While the Committee notes the intention of a number of the Overseas Territories to introduce additional legislative reform, it remains concerned that domestic legislation in the Territories still does not fully reflect the principles and provisions of the Convention.

10. The Committee recommends that the State party undertake a legal compatibility review to ensure that domestic legislation in each of the Overseas Territories fully conforms with and positively reflects the principles and provisions of the Convention. The Committee encourages the Cayman Islands to reinforce its efforts to amend and bring into force its Children's Law. The Committee also encourages the adoption of comprehensive child rights codes in the Territories.

Coordination

11. The Committee notes that mechanisms for coordinating the implementation of the Convention have been established in Bermuda, the British Virgin Islands, Montserrat and St. Helena. However, it is concerned that similar efforts have not been made in all of the Overseas Territories. The Committee is also concerned that national plans of action for children have not yet been elaborated in the Territories. Concern is also expressed at the insufficient efforts made to involve non-governmental organizations (NGOs) in the coordination and implementation of the Convention.

12. The Committee recommends that the State party reinforce its efforts to ensure that adequate resources (human and financial) are allocated to facilitate the effective functioning of those coordinating mechanisms already established in the Overseas Territories and to assist further in establishing mechanisms in Territories where they have not yet been established. The Committee further encourages the Overseas Territories to undertake appropriate measures to elaborate and implement a national plan of action for children based on the principles and provisions enshrined in the Convention. The Territories are encouraged to take all appropriate measures to facilitate the inclusion of NGOs in the promotion and implementation of the Convention.

Data collection

13. The Committee notes with concern the lack of adequate data-collection mechanisms in most of the Overseas Territories to ensure the collection of disaggregated data on all aspects of the Convention and effectively to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. In this context, the Committee notes that data collection in the Overseas Territories generally covers children up to the age of 15 years only.

14. The Committee recommends that a comprehensive system of data collection be introduced with respect to each of the Overseas Territories, incorporating all the areas covered by the Convention. Such a system should cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities; children living in poverty; children in the juvenile justice system; children born out of wedlock; teenage mothers; sexually abused children; institutionalized children; and children living in isolated island communities.

Monitoring mechanisms

15. While the Committee notes the existence of the Human Rights Commission in Bermuda, the Child Protection Group in St. Helena and Complaints Commissioners in the British Virgin Islands and the Turks and Caicos Islands to handle complaints of violation of the rights of children, it is concerned that insufficient efforts have been made to establish focal points for children within these mechanisms. The Committee also notes the intention of the Cayman Islands to establish an Ombudsman. It is concerned that Anguilla, the Falkland Islands and Montserrat have not yet established independent mechanisms to register and address complaints from children concerning violations of their rights under the Convention.

16. The Committee recommends the establishment of child rights focal points within the human rights monitoring mechanisms in Bermuda, the British Virgin Islands, St. Helena and the Turks and Caicos Islands. Additionally, the Committee recommends that all appropriate measures be taken to ensure that these mechanisms are independent, child friendly and accessible to children. The Committee also encourages the establishment of independent, child-friendly monitoring mechanisms in the other Overseas Territories to deal with complaints of violations of the rights of children and to provide remedies for such violations. Such mechanisms should also include focal points for children. The Committee further suggests that awareness-raising campaigns should be undertaken to facilitate the effective use of monitoring mechanisms by children.

Budgetary allocations

17. The Committee is concerned that, in the light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources in favour of the implementation of the economic, social and cultural rights of children "to the maximum extent of ... available resources".

18. In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

Dissemination of the principles and provisions of the Convention

19. The Committee is concerned that insufficient efforts have been made to disseminate the principles and provisions of the Convention and that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein.

20. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee also recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges; lawyers; law enforcement personnel; teachers; school administrators; health personnel, including psychologists and social workers; and personnel of childcare institutions. Efforts should also be made to raise awareness among the media about the rights of children. The Committee further encourages the integration of the Convention into the curricula at all levels of the educational system in the Overseas Territories.

2. Definition of the child

21. The Committee expresses concern regarding the low legal age of criminal responsibility in the Overseas Territories (8-10 years). Concern is also expressed at the low minimum age for the consumption of alcohol in private in the Falkland Islands (5 years). Additionally, the Committee is concerned that the law in most of the Overseas Territories does not provide for the special protection and care of children who have attained the age of 17 years.

22. The Committee recommends a review of domestic legislation in the Overseas Territories, particularly as regards the legal age for criminal responsibility, to ensure full conformity with the provisions and principles of the Convention. It further recommends that existing legislation be reviewed so as to guarantee adequate protection and care for all children below the age of 18 years.

3. General principles

23. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or in its policies and programmes relevant to children.

24. It is the Committee's view that further efforts should be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated in all legal amendments as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Non-discrimination

25. The Committees notes that the State party has requested the authorities of the Overseas Territories to consider the introduction of specific legislation against racial discrimination and that some of the Territories have acceded to that request. However, the Committee remains concerned that insufficient efforts have been made to ensure the full implementation of article 2 of the Convention and that discrimination based on gender, sexual orientation and birth status remains apparent in some of the Overseas Territories. In this regard, the Committee notes that legislation, relating to these issues, particularly with respect to sexual abuse and exploitation, as well as the legal minimum age for sexual consent, refers only to girls and does not provide equal and adequate protection for boys. Concern is expressed at the growing gender bias faced by boys evident, inter alia, in their academic underachievement in many of the Overseas Territories, especially the Falkland Islands and the Territories in the Caribbean. The Committee also notes the disparity between the ages for sexual consent to heterosexual and homosexual relations in some of the Overseas Territories. The Committee expresses concern that insufficient effort has been made in many of the Territories to prevent discrimination against teenage mothers and children born out of wedlock.

26. The Committee recommends review of domestic legislation in the Overseas Territories to ensure full compliance with article 2 of the Convention and to prevent and combat discrimination, especially as regards gender, sexual orientation and birth status. In particular, the Territories should amend their legislation to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation. Additionally, the Committee recommends that all appropriate measures be taken to address discrimination arising from the socialization of boys and girls into inappropriate gender roles and the resulting determination of social attitudes concerning children based on gender.

Respect for the views of the child

27. The Committee notes that in many of the Overseas Territories efforts have been made to ensure respect for the views of the child in family courts, in accordance with his or her evolving capacity. However, it is concerned that insufficient efforts have been made in many of the Overseas Territories to ensure the full implementation of article 12 of the Convention.

28. The Committee recommends that the Overseas Territories seek to reinforce the necessary infrastructure and develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools and care, administrative and judicial systems.

4. Family environment and alternative care

Parental guidance and responsibility

29. The Committee notes with concern the large number of single parent families in the Overseas Territories, especially in Bermuda and the Territories in the Caribbean. The Committee also expresses concern at the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock from "visiting" or "common law" relationships in these Territories. The Committee expresses further concern regarding the financial and psychological impact of visiting relationships on children. The lack of sufficient support and counsel in the areas of parental guidance and responsibilities are also matters of particular concern. The Committee also notes with concern that the high rate of migration from the Territories in the Caribbean has also negatively affected parental responsibility and guidance.

30. The Overseas Territories are encouraged to increase their efforts in developing family education and awareness through, inter alia, providing support, including training for parents, parenting and in exercising joint parental responsibilities, in the light of article 18 of the Convention. The Committee also recommends that the Overseas Territories take all appropriate measures, including of a legal nature, to ensure that the rights of children born out of wedlock are protected. The Committee further recommends that the State party undertake a study on the situation of single parent families and visiting relationships in the Caribbean Territories and the impact (both financial and psychological) on children.

Alternative care

31. While the Committee notes that legal and administrative processes have been established in all of the Overseas Territories to provide alternative care for children, it is concerned about the insufficient monitoring of placements in some of the alternative care programmes. While the Committee notes that children from the Turks and Caicos Islands who cannot be placed locally with a relative or willing independent person are no longer sent to alternative care institutions in Jamaica, it is concerned at the lack of information about the current situation of alternative care facilities in the Turks and Caicos Islands. Concern is expressed about the insufficiency of independent complaint mechanisms for children in alternative care institutions, as well as the lack of available trained personnel in this field. Concern is also expressed at the continued practice of informal adoption in some of the Overseas Territories.

32. The Committee recommends that additional training, including in children's rights, be provided for social and welfare workers and that independent complaints mechanisms be established for children in those Territories where there are alternative care institutions. The Committee also recommends that consideration be given to the establishment of a code of standards to ensure the adequate care and protection of children deprived of a family environment. In the light of articles 3 and 20 of the Convention, the Committee recommends a review of the alternative care programme in the Turks and Caicos Islands with a view to ensuring the best interests of the child. In the light of article 21 of the Convention, the Committee recommends that the monitoring procedures for foster care

and domestic and intercountry adoptions be strengthened. Additionally, all appropriate measures should be taken to monitor the practice of informal adoption and to prevent abuse in this regard. The Committee encourages the United Kingdom to consider extending the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption to the Overseas Territories.

Domestic violence, ill-treatment and abuse

33. The Committee notes the efforts of some of the Territories, in particular Bermuda, the Cayman Islands and the Falkland Islands, to provide greater protection and support to child victims of abuse and to introduce training for professionals, including police officers, working with and for child victims of abuse. However, the Committee expresses its concern at the increasing incidence and lack of awareness of and information on domestic violence, ill-treatment and abuse of children, including sexual abuse. Concern is also expressed at the insufficient financial and human resources allocated, as well as the inadequate programmes established, to prevent and combat these concerns in many of the Territories. The Committee notes with concern that the Overseas Territories, with the exception of Bermuda, have not introduced mandatory reporting of ill-treatment and abuse of children. While the Committee is aware of the limitations of the Territories, primarily with respect to small size, it is concerned that insufficient efforts have been made to protect the right to privacy of child victims of abuse.

34. In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate policy measures and contribute to changing traditional attitudes in all Overseas Territories. The Committee also recommends that all appropriate measures be taken to introduce effective mechanisms for the timely reporting of ill-treatment and abuse of children. It further recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure, and sanctions applied to perpetrators, due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims, in accordance with article 39 of the Convention, and prevention of the criminalization and stigmatization of victims.

Corporal punishment

35. The Committee expresses grave concern that corporal punishment is still widely practised in many of the Overseas Territories and that domestic legislation generally does not prohibit and eliminate its use in schools, care institutions and homes. It also notes with concern that the British Virgin Islands is the only remaining Territory that has not yet prohibited by law the use of judicial corporal punishment.

36. The Committee recommends that all appropriate measures, including of a legislative nature, be taken to prohibit and eliminate all forms of corporal punishment within the school, juvenile justice and alternative care systems and in the home. The Committee further suggests that awareness raising and education campaigns be conducted

to change public attitudes and ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28.2.

5. Basic health and welfare

Adolescent health

37. The Committee notes that the Caribbean Overseas Territories, including Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Caicos Islands, as well as Bermuda, took part in the Caribbean Youth Summit on Adolescent Sexual and Reproductive Health Rights, held in Barbados in 1998. The Committee expresses its concern with respect to the insufficient programmes and services and the lack of adequate data in the area of adolescent health, including teenage pregnancy, abortion, HIV/AIDS and sexually transmitted diseases (STDs), drug abuse, violence a[illegible] mental illnesses. The Committee is particularly concerned at the high incidence of teenage pregnancy, particularly in the Territories in the Caribbean.

38. The Committee encourages those Territories that took part in the Caribbean Youth Summit on Adolescent Sexual and Reproductive Health Rights to follow up and, where appropriate, seek to implement the recommendations made at the Summit. The Committee recommends that all appropriate measures be taken to increase the promotion of adolescent health policies and strengthen reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee further suggests that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care, counselling, and rehabilitation services for adolescents in all the Overseas Territories.

Disabilities

39. The Committee notes the efforts of the Overseas Territories, in particular Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands and St. Helena, to establish programmes for children with disabilities, including early intervention and school integration programmes. The Committee expresses concern, however, at the absence of legal protection and the inadequate facilities and services for children with disabilities. The Committee also notes with particular concern that since the volcano crisis in Montserrat, the trained special education teachers have migrated from the island.

40. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, chap. IV.D), the Committee recommends that additional efforts be made to establish and/or enhance early identification programmes to prevent disabilities; to implement alternatives to the institutionalization of children with disabilities; to establish special education programmes for children with disabilities; and to encourage

their inclusion in society. The Committee further recommends that all appropriate measures be taken to ensure that adequate resources are allocated for the effective implementation of programmes for children with disabilities. Additional training for professional staff working with and for children with disabilities is also recommended. The Committee recommends that the State party take all appropriate measures to facilitate the recruitment and training of special education teachers in Montserrat.

Right to an adequate standard of living

41. While the Committee is aware of the relatively high standard of living enjoyed by most of the Overseas Territories, it is concerned that the standard of living in Montserrat has decreased significantly since the volcanic eruption which destroyed two thirds of the island. While it is noted with appreciation that all the families with children have been moved from shelters and provided with homes, the Committee is concerned about the psychological impact of the disaster on children. While the Committee notes that two new primary schools and a new hospital have been built, it is concerned that the programmes and services for children have not yet been fully restored since the volcanic eruption. Additionally, the Committee is concerned that the children living in Anguilla, St. Helena and its dependencies, and the Turks and Caicos Islands do not enjoy an equal and adequate standard of living, as compared with children living in the other Overseas Territories.

42. In accordance with article 27 of the Convention, the Committee encourages the State party to increase its efforts to provide material assistance and support to economically disadvantaged families and to guarantee the right of children to an adequate standard of living, especially those affected by the disaster in Montserrat and those living in Anguilla, St. Helena and its dependencies, and the Turks and Caicos Islands. The Committee encourages the State party to undertake a study to assess the impact, including the psychological impact, of the disaster on the children of Montserrat, with a view to ensuring adequate support and where necessary, counselling for children and parents.

6. Education, leisure and cultural activities

43. While recognizing the efforts made by the State party in the area of education, the Committee remains concerned at the increasing incidence of truancy and the number of drop-outs from school in some of the Territories, especially the Turks and Caicos Islands and Montserrat. With regard to access to education, the Committee notes with concern that the travelling teacher service in the Falkland Islands does not include secondary schools and that children from Camp must attend secondary school in Stanley, where they are accommodated in government hostels for which their parents must pay. The Committee also notes with concern the academic under-achievement of boys in some of the Overseas Territories, including the Falkland Islands and the Caribbean Territories. Concern is also expressed that while the new nationality policy of the United Kingdom provides full citizenship to nationals of the Overseas Territories, students from these Territories who wish to pursue further studies in the United Kingdom continue to pay more in tuition fees than students from the United Kingdom.

44. The Committee recommends that all appropriate measures be taken to prevent and discourage truancy and further to encourage children, especially boys, to stay in school,

46. The Committee recommends that the State party take all appropriate measures to improve the situation of internally displaced families, including their access to adequate housing, education and health services. The Committee recommends that the State party submit, in its next periodic report, information concerning the situation of families that have left Montserrat to take refuge in neighbouring countries and Territories, and the arrangements made (at the bilateral or regional levels) to facilitate their transition. In this connection, the Committee further recommends that the State party also provide information on the situation of those families from Montserrat who have settled in the United Kingdom as a result of the disaster.

48. The Committee strongly recommends that the State party take all appropriate measures to locate and clear the landmines in the Falkland Islands, promote awareness about the potential dangers and prevent accidents involving children and landmines. The Committee encourages the State party to consider extending the 1997 Convention on the Prohibition of the Use, Production, Transfer and Stockpiling of Anti-Personnel Landmines and on Their Destruction to the Overseas Territories, in particular the Falkland Islands.

Child labour

49. In the light of the socio-economic situation in some of the more economically disadvantaged Overseas Territories and the high truancy rate, particularly for males, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation in the Overseas Territories.

50. The Committee recommends that the State party undertake a comprehensive study to assess the situation of child labour in the Overseas Territories. Additionally, the State party is encouraged to introduce and/or strengthen, where appropriate, monitoring mechanisms to ensure the enforcement of labour laws and to protect children from economic exploitation, particularly within the informal sectors in these Territories. The Committee suggests that the State party consider extending to the Overseas Territories ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour. The Committee further suggests that the State party consider extending to the Overseas Territories ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

Drug and substance abuse

51. The Committees notes the efforts of the State party at both the national and regional levels regarding drug demand reduction and narcotics control. However, the Committee remains concerned at the high incidence of drug and substance abuse, particularly among youth in Bermuda and the Caribbean Overseas Territories. Concern is also expressed at the insufficient medical and rehabilitative programmes and services available to child victims of drug and substance abuse.

52. In the light of article 33 of the Convention, the Committee recommends that the State party enhance its efforts, including through administrative, social and educational means, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to strengthen its rehabilitation programmes for child victims of drug and substance abuse.

Sexual exploitation and sexual abuse

53. The Committee notes with concern the lack of information concerning the situation of commercial sexual exploitation of children, including prostitution and pornography. The Committee also notes that lack of programmes for the physical and psychological recovery and social reintegration of children victims of such abuse and exploitation, particularly in Bermuda and some of the Caribbean Territories, where there is apparent cause for concern.

54. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to understanding the scope of the problem and implementing appropriate policies and measures, including for the physical and psychological recovery and social reintegration of victims. The Committee

recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.

Juvenile justice

55. The Committee notes that legislation relating to juvenile justice has been enacted in all of the Overseas Territories. While the Committee appreciates the legal abolition of judicial corporal punishment in most of the Overseas Territories, it is concerned that the bill to abolish it in the British Virgin Islands has not yet been enacted. The Committee also expresses concern about:

(a) The length of time before the hearing of juvenile cases; the lack of confidentiality accorded in cases involving juveniles; the holding of minors in adult detention facilities; the inadequacy of facilities for children in conflict with the law, including girls; the insufficient numbers of trained personnel to work with children in this regard; and the lack of legal aid programmes;

(b) The inadequate access to education, health, counselling and other rehabilitative services; and the lack of a complaints mechanism for children whose rights have been violated.

56. The Committee recommends, with regard to the Overseas Territories, that the State party:

(a) Take additional steps to reform the juvenile justice system in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort, for the shortest possible time and only for serious offences; protect the rights of children deprived of their liberty, including the right to privacy; ensure that children remain in contact with their families while in the juvenile justice system; ensure that children are provided adequate access to education, health, counselling and other rehabilitative services; and introduce complaints mechanisms for children whose rights have been violated;

(c) Introduce training programmes on relevant international standards for all those professionals involved with the juvenile justice system.

57. The Committee further recommends that the British Virgin Islands reinforce efforts to enact the bill introduced into the Legislative Council to abolish the use of judicial corporal punishment in the islands.

8. Ratification of the Optional Protocols

58. The Committee recommends that the State party consider ratifying and extending to the Overseas Territories the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

9. Dissemination of documents from the reporting process

59. The Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the concluding observations adopted thereon by the Committee and the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child:

TAJIKISTAN

1. At its 653rd and 654th meetings (see CRC/C/SR.653-654), held on 26 September 2000, the Committee on the Rights of the Child considered the initial report of Tajikistan (CRC/C/28/Add.14), which was received on 14 April 1998, and adopted[1] the following concluding observations.

A. Introduction

2. The Committee regrets that the State party report was not prepared in accordance with the guidelines for reporting. In this regard, the detailed information provided in the responses to the list of issues were very much appreciated. The Committee welcomes the presence of a high-level delegation, which contributed to an open dialogue.

[1] At the 669th meeting, held on 6 October 2000.

B. Positive aspects

3. The Committee welcomes the adoption of numerous legislative and administrative measures related to the rights of children, as well as the draft State programme on education in human rights.

4. The Committee notes with appreciation that the State party has ratified the six major international human rights instruments and has undertaken cooperation with the international community in the field of human rights. In particular, the Committee welcomes the State party's cooperation with the Office of the High Commissioner for Human Rights with respect to reporting under human rights treaties.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that the State party has had to face serious economic and social challenges during the past few years posed by the transition to a market economy and the civil war, including increased unemployment, poverty and corruption, which have had an especially severe impact on children belonging to the most vulnerable segments of society.

6. The Committee notes that continuing civil unrest and the recent drought have seriously affected the physical security and survival of the population, especially children.

D. Principal subjects of concern and Committee recommendations

1. General measures of implementation

Coordination, budgetary allocation and cooperation with civil society

7. Noting that the State party has adopted various legislative and administrative measures relating to children's rights, the Committee is concerned that the implementation of these measures is impeded by several factors, namely deficiencies in coordination, budgetary allocation and resources, and the involvement of civil society.

8. The Committee is concerned that there remains a lack of administrative coordination and cooperation at the national and local government levels in the implementation of the Convention.

9. In the light of the 1993 Vienna Declaration and Programme of Action (para. 71), the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under international human rights instruments, including the Convention, through an open and consultative process. Attention should be given to intersectoral coordination and cooperation at and between national and local levels of government. The Committee recommends that the State party provide adequate support to the local authorities, including the development of professional capacity, for the implementation of the Convention.

10. The Committee is concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children. While appreciating that the decentralization of services allows the local authorities to respond better to local needs, the Committee emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups.

11. The Committee recommends that the State party develop ways to assess systematically the impact of budgetary allocations on the implementation of child rights. The Committee recommends that the State party ensure adequate distribution of resources at the national and local levels - where needed, within the framework of international cooperation. Moreover, the Committee recommends that the State party's obligations under the Convention should be taken into account in all aspects of its negotiations with international financial institutions and other donors, to ensure that the economic, social and cultural rights of children, particularly children belonging to the most vulnerable groups, are not undermined.

12. The Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention.

13. Recognizing that the process of transition has led to the dismantling of many public social regulators, the Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, ill-treatment and juvenile justice. The Committee recommends that the State party consider systematically involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, a reduction of the registration fees for NGOs could be a first step in facilitating their participation. The Committee also recommends that greater efforts be made to involve relevant State actors, such as local government officials, and the police in the dialogue with civil society; and encourages the State party to support initiatives aimed at strengthening the role of civil society and to equip it with the knowledge and skills essential for working in partnership with local communities and local government.

Independent/monitoring structures

14. The Committee is concerned that disaggregated data for persons under 18 years of age relating to the rights contained in the Convention is not systematically collected and used effectively to assess progress and design policies to implement the Convention.

15. The Committee recommends that the State party ensure that the State Statistical Agency systematically collects data concerning persons under the age of 18 and that a mechanism is established to analyse the data. The Committee encourages the State party to seek technical assistance from, inter alia, UNICEF, in this regard.

16. The Committee emphasizes the importance of setting up an independent mechanism with the mandate of regularly monitoring and evaluating progress in the implementation of the Convention at the national and local levels.

17. The Committee encourages the State party to continue its discussions relating to the establishment, in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134), of a national human rights institution to monitor and evaluate progress in the implementation of the Convention. The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

Training/dissemination of the Convention

18. Although the Convention is binding and has the force of law, the Committee is concerned at the low level of awareness of the Convention amongst the judiciary, lawyers and the general public, including children. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

19. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (e.g. legislators, judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, and UNICEF, in this regard.

2. General principles

Non-discrimination

20. The Committee is concerned at the prevailing disparities in the enjoyment of their rights by children in Tajikistan. In particular, the Committee is concerned at the situation of: children living in institutions; children in regions of the country, which are lagging behind in socio-economic development and experiencing civil unrest; internally displaced, refugee and asylum-seeking children; and children of rural families. The Committee is concerned that the guarantee of non-discrimination in article 2 of the Convention may be jeopardized by the introduction of fees for State health and education services, which may pose barriers to access by low-income households.

21. The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention

without discrimination, in accordance with article 2. The Committee also recommends that the State party prioritize and target social services for children belonging to the most vulnerable groups.

22. The Committee is concerned that discrimination on the grounds of gender persists de facto, and expresses its concern at the persistence of negative stereotypical attitudes relating to the roles and responsibilities of women and men. In particular, the Committee is concerned that families that cannot afford the costs imposed by school attendance, frequently give preference to the education of male children.

23. The Committee encourages the State party to launch comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family.

Respect for the views of the child

24. In the light of article 12 of the Convention, the Committee is concerned that respect for the views of the child in schools, care institutions, the courts and, especially, within the family remains limited owing to traditional societal attitudes towards children.

25. The Committee encourages the State party to promote and facilitate within the family and in schools, care institutions and the courts respect for the views of children, and their participation in all matters affecting them, in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials to assist children to express their informed decisions and to have these views taken into consideration.

3. Civil rights and freedoms

Birth registration

26. Given that lack of timely birth registration can have negative consequences for the full enjoyment by children of their fundamental rights and freedoms, the Committee is seriously concerned that many parents in rural areas, particularly internal migrants, fail to register their children owing to a lack of knowledge about its necessity, lack of access to registration facilities, lack of documentation and inability to pay registration fees.

27. In the light of article 7 of the Convention, the Committee recommends that the State party make greater efforts to ensure free and timely registration of all births, and take measures with regard to training and awareness-raising concerning registration in rural areas. The Committee encourages such steps as the establishment of mobile registration offices and of registration units in schools and health facilities.

Protection from torture and inhuman or degrading treatment or punishment

28. The Committee is concerned at numerous and continuing reports of ill-treatment of persons under the age of 18 by the militia, including psychological intimidation, corporal punishment and torture. The Committee is also concerned that victims of such treatment are largely from vulnerable groups, such as children living and/or working on the streets; and that fear of reprisals and inadequate complaints procedures discourage children and their parents from filing complaints.

29. In the light of article 37 of the Convention and the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/169 of 17 December 1979, the State party should take all necessary and effective steps to prevent incidents of ill-treatment by law enforcement officials. The Committee recommends that the State party provide the militia with training on how to deal with persons under the age of 18; ensure that persons are adequately informed of their rights when they are detained; ensure that complaints procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; and provide rehabilitative support to victims.

4. Family environment and alternative care

Children deprived of a family environment

30. The Committee is concerned about the large number of children, especially children with disabilities, who are abandoned or are otherwise deprived of a family environment. It is also concerned that foster care, or other forms of family-based alternative care, are not sufficiently developed and available, and that, as a result, children are placed in institutions which, owing to lack of resources, provide children with very low quality housing and care. Further, the Committee is concerned at the absence of effective mechanisms for children to communicate concerns and complaints about their placement. Moreover, in the light of article 25 of the Convention, the Committee is concerned at the inadequate system to review placement, monitoring or follow-up of the situation of children in institutions.

31. The Committee recommends that the State party take effective measures, including the development of strategies and awareness-raising activities, to reduce and prevent the abandonment of children. In particular, the Committee recommends that the State party promote the family as the best environment for the child, through counselling and community-based programmes to assist parents to keep children at home. Furthermore, in cases where placement of children is necessary, it recommends that the State party provide, promote and strengthen, as much as possible, foster care, family-type foster homes and other family-based alternative care. The Committee recommends that the State party place children in institutions only as a last resort; take all necessary measures to improve infrastructure; and improve the quality of care through adequate training of and support for all personnel. The Committee also recommend that the State party establish effective mechanisms to receive and address complaints from children in care; monitor standards of care; and establish regular periodic review of placement. Assistance should be sought from, inter alia, UNICEF.

Adoption

32. The Committee is concerned about the absence of national adoption standards, particularly in relation to foster and adoptive family screening. The Committee is also concerned at the absence of mechanisms to review, monitor and follow up adoptions, and of statistics on foster care and adoption.

33. The Committee recommends that the State party establish a comprehensive national policy and guidelines governing adoption and screening capacity, and establish a central monitoring mechanism in this regard. The Committee also recommends that the State party consider acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in respect of Inter-Country Adoption.

Violence/abuse/neglect/maltreatment

34. The Committee is concerned at the incidence of ill-treatment of children in the family, in institutions and in school. The Committee is also concerned that violence against women is a problem in Tajikistan and that this has harmful consequences on children.

35. In the light of articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, in schools and in care institutions are prohibited. The Committee recommends that measures to that effect be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to: receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party seek assistance from, inter alia, UNICEF and WHO.

5. Basic health and welfare

Children with disabilities

36. The Committee is concerned at the prevailing poor situation of children with disabilities. In particular, the Committee is concerned at the practice of institutionalizing children with disabilities and that access to services such as rehabilitation and education are limited and severely strained.

37. The Committee recommends that the State party review existing policies and practice in relation to children with disabilities, taking due account of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its Day of General

Discussion on "Children with disabilities" (CRC/C/69, para. 338), and that it ensure they enjoy all the rights contained in the Convention. The Committee also recommends that the State party: provide early childhood care and special education for children with disabilities; develop early identification programmes to prevent disabilities; and provide services for children with learning disabilities and behavioural disorders. Awareness campaigns which focus on prevention, inclusive education, family care and the promotion of the rights of children with disabilities need to be undertaken. Adequate support, supervision and training should be given to persons working with these children. The Committee encourages the State party to seek assistance from, inter alia, UNICEF, UNESCO and WHO.

Right to health and health services

38. As a priority, the Committee is seriously concerned at the deterioration in the health of the most vulnerable groups, especially women and children, and in the quality of health services. In particular, the Committee notes the increase in communicable diseases, including vaccine-preventable diseases, and the increase in childhood malnutrition.

39. The Committee recommends that the State party ensure that its commitment to primary health care, including implementation of the Integrated Management of Childhood Illnesses strategy, is met by the adequate allocation of human and financial resources and that all children, especially from the most vulnerable groups, have access to health care. The Committee also recommends that the State party undertake awareness-raising campaigns to ensure families are adequately informed of the need to register at polyclinics.

40. The Committee is concerned at the insufficient data available on the developmental health needs of adolescents in Tajikistan.

41. The Committee recommends that the State party undertake a comprehensive study in order to understand the nature and extent of adolescent health problems, and with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes. In the light of article 24, the Committee also recommends that adolescents have access to and be provided with reproductive health education, child-friendly counselling and rehabilitation services, and that STD and HIV/AIDS prevention programmes be undertaken. The Committee further recommends that the State party establish comprehensive family planning programmes, as well as measures to ensure that abortion is not perceived as a method of contraception. The State party is encouraged to continue cooperation with and seek assistance from, inter alia, UNICEF and WHO.

6. Education, leisure and cultural activities

Right and aims of education

42. The Committee is seriously concerned at the deterioration in the quality of education, especially infrastructure, teaching and curricula. The Committee is concerned at declining pre-school enrolment and the persistence of high drop-out, repetition, and absenteeism rates in primary and secondary schools.

43. The Committee recommends that the State party take all necessary measures to allocate the required human and financial resources to implement effectively the Education for All strategic programme. The Committee also recommends that the State party take due account of the aims of education laid down in article 29 and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level. The Committee further recommends that the State party promote the importance of pre-school education, especially among low-income households, and encourage informal community schemes in this regard. In addition, the Committee recommends that the State party promote the participation of parents and communities, especially ethnic minorities, in school governance, in order to improve enrolment rates and to monitor the quality of education. The Committee encourages the State party to seek assistance from, inter alia, UNICEF and UNESCO.

7. Special measures of protection

Asylum-seeking and refugee children

44. The Committee is concerned at the situation of Tajik returnees following the civil war, and of Afghan refugee and asylum-seeking children as a result of the conflict in Afghanistan. The Committee is also concerned that the issue of documentation is a serious problem for non-nationals, especially asylum-seekers.

45. The Committee recommends that the State party establish and implement a functional system of family reunification in order better to protect children from being separated from their parents. The Committee recommends that the State party: undertake effective public education campaigns to inform asylum-seekers, especially those who have newly arrived, about asylum procedures and the importance for children to have documentation; provide practical assistance in obtaining birth certificates for every child and adequate procedures for the replacement of lost identity and travel documents; and establish a system for refugee and asylum-seeking children to have their own documentation. The Committee encourages the State party to continue and expand its cooperation with international agencies such as, inter alia, UNHCR and UNICEF.

Children and armed conflict, and their rehabilitation

46. The Committee expresses its concern at the negative impact on children of reports of recent armed civil unrest.

47. In the light of article 38 and other relevant articles of the Convention, the Committee recommends that the State party at all times ensure respect for human rights and humanitarian law aimed at the protection and care of children affected by armed conflict, and provide care and physical rehabilitation and psychological recovery measures for these children.

Economic exploitation

48. The Committee is concerned that the negative effects of the current economic crisis have resulted in an increasing number of children dropping out of school and taking up work. The Committee expresses its concern at children working in the informal sector, especially children from rural backgrounds who may be at special risk, many of whom are working in hazardous conditions in agriculture, with little or no training on safety precautions.

49. The Committee recommends that the State party ensure that the minimum age for admission to employment is enforced. Employers should be required to have and produce on demand proof of age of all children working on their premises. An effective labour inspectorate to monitor the implementation of standards at State and local levels should be established and empowered to receive and address complaints of violations. The Committee also recommends the State party to undertake a national survey on the nature and extent of child labour. The Committee further recommends that the State party carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards. In addition, recommends that the State party ratify ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The State party should seek assistance from, inter alia, ILO.

Sexual exploitation and sexual abuse

50. The Committee is concerned at the increase in the prostitution and trafficking of children and women and the absence of an effective, comprehensive and integrated approach to prevent and combat these phenomena. The Committee is also concerned at the insufficient data and awareness of the phenomena of commercial sexual exploitation of children in Tajikistan.

51. The Committee recommends that the State party undertake a national study on the nature and extent of commercial sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee also recommends that the State party review its legislation and ensure that it criminalizes the sexual abuse and exploitation of children, and penalizes all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized. The Committee further recommends that the State party: ensure that domestic laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; make provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need to train adequately personnel working with child victims. The Committee recommends that the

State party carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and safety from sexual exploitation. Bilateral and regional cooperation, involving cooperation with neighbouring countries, should be reinforced.

Administration of juvenile justice

52. The Committee is concerned at the poor quality of the administration of justice for juvenile offenders and the lack of a juvenile justice system.

53. The Committee recommends the State party take all measures to fully integrate into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed. The Committee also recommends that the State party seek assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Juvenile Justice.

8. Optional Protocols to the Convention on the Rights of the Child

54. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

9. Dissemination of the report and the Committee's recommendations

55. Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child:

Colombia

1. The Committee considered the second periodic report of Colombia (CRC/C/70/Add.5) at its 655th and 656th meetings (see CRC/C/SR.655-656), held on 27 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the wealth of information provided in the State party's second periodic report, but it regrets that the report does not follow its guidelines. The Committee notes with appreciation the timely submission of the written replies to the list of issues (CRC/C/Q/COL/2). The Committee further appreciates the presence of a delegation directly involved in the implementation of the Convention in the State party, which allowed the Committee to have a full assessment of the situation of the rights of the child in the State party. The Committee is encouraged by the constructive and open dialogue it had with the State party's delegation.

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* At the 669th meeting, held on 6 October 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The State party's accession to the Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women (Belem do Pará) (1995), the Hague Convention on the Civil Aspects of International Child Abduction (1994), and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (2000) is regarded as a positive measure.

4. The establishment of structures for the promotion and protection of children's rights, such as the Oidor del Niño and of the children section within the Office of the Ombudsman (Defensor del Pueblo), are welcomed by the Committee as follow-up measures to its recommendations (see CRC/C/15/Add.30, para. 14).

5. The Committee welcomes the Memorandum of Understanding signed between the Government of Colombia and the Office of the High Commissioner for Human Rights (1996) for the establishment of a human rights monitoring office and advisory services programme.

6. The enactment of Law 49-99 (December 1999), raising the minimum age for recruitment for military service to 18 years, is regarded as a positive measure by the Committee.

7. In the light of its recommendation (CRC/C/15/Add.30, para. 19), the Committee welcomes the State party's conclusion of the domestic process for the ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment (1973).

8. The Committee welcomes the fact that the State party initiated, organized and hosted, in cooperation with UNICEF, the Latin American and Caribbean Regional Summit for Children (1998), to evaluate the goals established for this region during the 1990 World Summit for Children and their achievement.

C. Factors and difficulties impeding further progress in the implementation of the Convention

9. Although the State party is undertaking efforts to find a peaceful solution to the ongoing armed conflict, the Committee is concerned that the general climate of violence largely caused by or related to this conflict is not only negatively affecting the implementation of the Convention but has led to systemic violations of children's rights.

10. The Committee is also concerned about the direct effects of the armed conflict: the high death toll, large-scale internal displacement of children and their families, and the destruction of educational and health infrastructure and of water collection, purification and distribution systems, of the national economy, of agricultural production and of communication infrastructure, all of which have a very negative impact on the development of children and seriously hamper the implementation of many of the rights of the majority of children in the State party.

11. Concern is also expressed that widespread poverty and long-standing economic and social disparities are still affecting the most vulnerable groups, including children, and hampering the enjoyment of their rights in the State party. This situation has been particularly aggravated by severe economic crises and drastic economic reforms.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Children's rights and the peace process

12. In view of the overwhelmingly negative impact of the armed conflict on the life of Colombian children, the Committee is deeply concerned that no consideration has been given to inclusion and respect for the rights of the child in the ongoing peace negotiations in the State party.

13. The Committee urges the State party to ensure that the protection of the rights of the child are a high priority on the agenda of the ongoing peace negotiations and throughout the process of consolidating peace in the aftermath of the conflict. In this context, the Committee urges the State party to implement the recommendations made by the Security Council in its resolution 1261 (1999).

Legislation

14. The Committee remains concerned that the State party's legislation on children's rights is still not fully compatible with the principles and provisions of the Convention, particularly because the efforts to revise the Code of Minors (1989), which started in 1995, are dragging.

15. The Committee recommends that the State party review its existing legislation and harmonize it with all the provisions of the Convention. It also recommends that the State party reactivate the process initiated to revise the Code of Minors (1989). Such a process should include the participation of all sectors involved in the promotion and protection of children's rights and should be completed as soon as possible.

Coordination

16. The Committee remains concerned about the limited steps taken to ensure effective coordination between existing institutions working on the implementation of the Convention.

17. The Committee reiterates its recommendation (see CRC/C/15/Add.30, para. 14) that the State party undertake measures to ensure effective coordination among existing institutions working on the implementation of the Convention at the national, regional and local levels. Greater efforts should be made to ensure closer cooperation with non-governmental organizations working in the field of children's rights.

Institutional reform

18. Although the Committee notes the measures taken to reform the Colombian Institute for Family Well-Being (ICBF), it remains concerned that this governmental body has not fully integrated into all its policies and programmes the rights-based approach enshrined in the Convention. Concern is also expressed about the limitations of ICBF in the area of preventing violations of children's rights and protecting children from these violations.

19. Concern is expressed that both judicial and administrative functions related to children's issues, including the appointment of judges and defenders for children's and family affairs, depend upon ICBF and that this situation is a violation of the well-established international standard of independence of the judiciary and contrary to the principles and provisions of the Convention.

20. The Committee recommends that the State party continue its process of institutional reform of the ICBF and fully adopt the rights-based approach established in the Convention in order to perform its mandate in a more effective manner. Greater emphasis should be placed on strengthening the prevention and protection programmes of ICBF. In this regard, the Committee also recommends that consideration should be paid to maintaining a clear and very strict separation between judicial and administrative decisions regarding children's rights issues.

Comprehensive policy on children's rights

21. While the many and various plans and programmes developed by the State party show its commitment to the Convention, the Committee is concerned about the lack of coherence and comprehensiveness of all these plans and the sustainability of their implementation.

22. The Committee recommends that the State party develop a coherent and comprehensive national plan for the implementation of the Convention that is clear and understandable to all, children and adults alike, and can easily be implemented at the central, regional and local levels.

Data collection and monitoring

23. With regard to its recommendation concerning the collection and analysis of reliable quantitative and qualitative information (see CRC/C/15/Add.30, para. 15), the Committee welcomes the steps taken to develop a national system of socio-economic indicators on the situation of children, as a basis for the design, evaluation and follow-up of policies and programmes for children. Nevertheless, it remains concerned that the current system does not include all the areas covered by the Convention. The lack of a system to monitor compliance with the Convention is also an area of concern.

24. The Committee recommends that the State party continue to develop and strengthen its data-collection system, with a view to including all areas covered by the Convention. Such a system should cover all children under 18 years of age and specifically emphasize vulnerable groups of children.

25. The Committee further recommends that the State party establish an independent and effective system for monitoring the Convention, with a view to assessing progress achieved in the realization of children's rights and evaluating policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek international assistance from, inter alia, UNICEF.

Budget and financial resources for children

26. The launching of initiatives such as the National Plan for Development (1994-1998) and (1998-2000), the National Plan of Action for Children (1996-2000) and the "Haz Paz" (Make Peace) National Plan are regarded as positive measures in line with the Committee's recommendations (see CRC/C/15/Add.30, para. 16). However, the Committee remains concerned about the limitations imposed by the current socio-economic crisis and the armed conflict on the full implementation of social programmes for children.

27. The Committee reiterates its recommendation that all measures to implement economic, social and cultural rights should be undertaken "to the maximum extent of ... available resources", in the light of articles 2, 3 and 4 of the Convention, and that particular attention be paid to the protection of children belonging to vulnerable and marginalized groups. The Committee further recommends that the State party develop a locally based system to monitor and evaluate the situation of children living in areas of extreme poverty in order to give priority to budget allocations for these groups of children.

Dissemination of the Convention

28. While noting the measures undertaken to promote widespread awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened.

29. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among minority groups, as well as in rural and remote areas. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

Training for professionals

30. The Committee is concerned that current training programmes for professionals working with and for children do not reach all groups of professionals.

31. The Committee encourages the State party to continue undertaking systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions

and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.

2. General principles

Non-discrimination

32. Concern is expressed at the existing patterns of economic and social disparity, and of gender and racial discrimination; at the marginalization of children belonging to the Afro-Colombian and indigenous populations; and at the precarious situation of children belonging to internally displaced populations, especially regarding their limited access to housing, education and health services.

33. In the light of article 2 and other related articles of the Convention, the Committee recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas; to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets, children living in camps for internally displaced populations and children living in rural areas; and to guarantee their full enjoyment of all the rights recognized in the Convention.

The right to life, survival and development

34. In the light of article 6 and other related provisions of the Convention, the Committee is deeply concerned at the threat posed by the armed conflict to children's lives, including instances of extrajudicial killing, disappearance and torture committed by the police and paramilitary groups; at the multiple instances of "social cleansing" of street children; and at the persistent impunity of the perpetrators of such crimes.

35. The Committee reiterates its recommendation that the State party continue taking effective measures to protect children from the negative effects of the armed conflict. The Committee urges the State party to protect children against "social cleansing" and to ensure that judicial action be taken against the perpetrators of such crimes.

3. Civil rights and freedoms

Birth registration

36. While the Committee notes the State party's efforts in the area of birth registration, it remains concerned that greater efforts are needed to ensure that all children are registered and are provided with identity cards in order to facilitate the full enjoyment of their rights.

37. In the light of article 7 of the Convention, the Committee recommends that the State party continue its measures to ensure the immediate registration of the birth of all

children. Special emphasis should be placed on the registration of children belonging to the most vulnerable groups, including children living in areas affected by the armed conflict and in camps for internally displaced groups.

Freedom from torture

38. In the light of its recommendation (see CRC/C/15/Add.30, para. 17) concerning the need to conduct special investigations in cases of gross violations of human rights involving children, the Committee regrets the lack of follow-up information on this issue and reiterates its concern about alleged cases of street children tortured and ill-treated by members of the police and/or paramilitary groups.

39. The Committee urges the State party to undertake effective measures to ensure that such acts receive an appropriate response through the judicial process, in order to avoid impunity for the perpetrators. The Committee further recommends that the State party establish care and rehabilitation programmes for child victims of torture and ill-treatment.

4. Family environment and alternative care

Children deprived of a family environment

40. The Committee remains deeply concerned at the large numbers of children who have been deprived of a family environment as a consequence of abandonment by, the death of, or separation from their parents. In this regard, concern is expressed, inter alia, at reports regarding difficulties and slow progress in tracing separated families and children; the lack of adequate mechanisms of protection for children living in institutions; the placement of children in institutions for long periods and the predominance of the use of placement in institutions over the development of alternative care measures.

41. The Committee further reiterates its concern that children deprived of their family environment may increasingly travel to the main cities, where they may live on the streets and be particularly vulnerable to exploitation and abuse (see the Committee's recommendation, CRC/C/15/Add.30, para. 17).

42. The Committee recommends that the State party develop additional programmes to facilitate alternative care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions. The Committee urges the State party to make every effort to strengthen family tracing programmes and to increase its efforts in providing support, including training for parents, to discourage the abandonment of children. The Committee further recommends that the State party ensure adequate periodic review of the placement of children living in institutions.

Adoption

43. The Committee remains concerned at gaps in the State party's domestic legislation on adoption and that existing adoption procedures are usually not respected and are reported to be

subject to arbitrary decisions. Concern is also expressed at the prevalence of illegal informal adoption. The Committee is further concerned at the limited capacity properly to follow up cases of intercountry adoption, which constitute the majority of adoption cases.

44. The Committee recommends that the State party take further measures to revise its legislation and practices in the area of domestic and intercountry adoption, in accordance with the Convention and the requirements established by the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption, to which Colombia is a party.

Protection from abuse and neglect

45. With regard to its recommendations on the situation of domestic violence (see CRC/C/15/Add.30, para. 21), the Committee welcomes the adoption of special legislation criminalizing domestic violence, but it remains concerned that physical and sexual abuse - within and outside the family - still widely exist in society. Concern is also expressed at the insufficient allocation of resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for victims and their limited access to justice are also matters of concern.

46. In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party take effective measures, including reinforcing current multidisciplinary programmes and rehabilitation measures to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests, inter alia, that law enforcement should be strengthened with respect to such crimes and that procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF.

5. Basic health and welfare

47. While acknowledging the measures taken to improve the health status of children, in particular initiatives relating to the reduction of infant mortality, the Committee remains concerned about the persistence of regional disparities in access to health care and of high rates of malnutrition for children under five years of age and those of school age, especially in rural and remote areas and, in particular, among children belonging to indigenous groups.

48. The Committee is also concerned about the high maternal mortality and teenage pregnancy rates, as well as about insufficient access by teenagers to reproductive health education and counselling services. In this connection, concern is expressed that the practice of abortion is considered the leading cause of maternal mortality (see the concern expressed by the Committee on the Elimination of Discrimination against Women (CEDAW): A/54/38, para. 393). The increasing rates of substance abuse and of HIV/AIDS among children and adolescents and the constant discrimination they are exposed to are also matters of concern.

49. The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care and to combat malnutrition, with special emphasis on children belonging to indigenous groups and children living in rural and remote areas, as well as in camps for internally displaced populations. The Committee recommends that the State party continue with its efforts to prevent HIV/AIDS and take into consideration the recommendations the Committee adopted on its Day of General Discussion on "Children living in a world with HIV/AIDS" (CRC/C/80, para. 243). The Committee also recommends that further efforts be undertaken to develop child friendly counselling services, as well as care and rehabilitation facilities for adolescents. In this regard, the Committee encourages the State party to continue working in this field in cooperation with, inter alia, WHO, UNICEF and UNAIDS.

Children with disabilities

50. With regard to the situation of children with disabilities, the Committee remains concerned at the lack of adequate infrastructure, at the limited qualified staff and specialized institutions for these children, and at the absence of adequate resources, both financial and human. In addition, the Committee is particularly concerned at the lack of governmental inclusion policy and programmes for children with disabilities and at the lack of monitoring of private institutions for these children.

51. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted on its Day of General Discussion on "Children with Disabilities" (CRC/C/69, para. 338), the Committee recommends that the State party develop early identification programmes to prevent disabilities; implement alternative measures to the institutionalization of children with disabilities; envisage awareness-raising campaigns to reduce discrimination against them; establish special education programmes and centres, and encourage their inclusion in the educational system and in society; and establish adequate monitoring of private institutions for children with disabilities. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities.

6. Education, leisure and cultural activities

52. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary school, and at the disparities in access to education between rural and urban areas. The Committee is particularly concerned about the situation of children belonging to Afro-Colombian and indigenous groups, as well as those living in camps for the displaced regarding their access to education and the low relevance of the current bilingual educational programmes available for them.

53. In the light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue with its efforts to strengthen its educational policies and system in order to improve ongoing retention programmes and

vocational training for drop-out students; to extend coverage and to improve the quality of education, respecting geographical and cultural diversity; and to improve the relevance of bilingual education programmes for children belonging to indigenous and Afro-Colombian groups. Furthermore, in view of the ongoing armed conflict in the State party, the Committee recommends that the State party strengthen its programmes on human rights education, including on the rights of the child, in its teacher training programmes and school curricula, and ensure that every child receives such education. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia, from the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.

7. Special protection measures

Children affected by armed conflict

54. While the Committee welcomes the prohibition of recruitment of children under the age of 18 into the armed forces, it expresses its deep concern at the very high numbers of children who have been forcibly recruited into guerrilla and paramilitary groups.

55. The Committee is deeply concerned about the extremely negative impact of the armed conflict on all children, including children formerly involved in hostilities, and about the serious threat to their right to life, survival and development and the severe psychological trauma inflicted upon them. Concern is also expressed at the lack of a national policy to guarantee the social reintegration of children formerly involved in hostilities.

56. The Committee urges the State party to take effective measures to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them into society. The Committee further recommends that the State party establish and strictly enforce its legislation prohibiting the future recruitment of children by any group.

57. The Committee also urges the State party to take all effective measures, in cooperation with United Nations agencies and bodies such as UNICEF, to address the physical needs of child victims of the armed conflict, in particular child amputees, and the psychological needs of all children affected directly or indirectly by the traumatic experiences of war. In this regard, the State party is recommended to develop as quickly as possible a long-term and comprehensive programme of assistance, care, rehabilitation and reintegration.

58. The Committee endorses the recommendations made to the State party by the Special Representative of the Secretary-General for Children and Armed Conflict (see A/54/430, paras. 122-127 and E/CN.4/2000/71, paras. 60-71) and recommends that the State party, in cooperation with the international community, urgently implement these recommendations in order to give the highest priority to the protection of children from the negative effects of the armed conflict.

59. The Committee welcomes the State party's signature of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encourages the State party to ratify and implement it as soon as possible.

Internally displaced children

60. The Committee expresses its concern that the State party has one of the largest internally displaced populations in the world, forced to leave their home towns owing to the high level of violence in certain regions of the country. The Committee is also concerned about the social deprivation faced by these populations, mainly composed of women and children, especially their limited access to housing, health services and education. The Committee is further concerned about reports that many displaced persons have been the victims of grave human rights violations and about the thousands of displaced families who have fled to neighbouring countries, where refugee status has been denied them by the local authorities.

61. The Committee recommends that the State party give the highest priority to the protection of the rights of children belonging to internally displaced groups. In this regard, the Committee endorses the recommendations made in the reports of the Special Representative of the Secretary-General on Internally Displaced Persons to the Commission on Human Rights on the situation in the State party (see E/CN.4/2000/83/Add.1 and Add. 2), and recommends that the State party, in cooperation with the international community, urgently follow up these recommendations, in particular that on the incorporation of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) in the State party's legislation and policies on internally displaced persons.

Economic exploitation, including child labour

62. With regard to its recommendation concerning measures for the eradication of child labour (CRC/C/15/Add.30, para. 19), the Committee welcomes the technical cooperation programme with the International Labour Organization (ILO)/International Programme for the Elimination of Child Labour (IPEC). Nevertheless, the Committee remains concerned that economic exploitation is still one of the major problems affecting children in the State party. The Committee is also concerned at the insufficient law enforcement and the lack of adequate monitoring mechanisms to address this situation, especially in the informal sector. The Committee is further concerned at the situation of children working in the coca-leaf plantations.

63. The Committee expresses most particular concern for children who work or live in the street in order to survive and who require special attention because of the risks to which they are exposed.

64. The Committee encourages the State party to ratify ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999). The Committee recommends that the State party take effective measures to address the situation of children involved in hazardous labour, especially in the informal sector and the coca-leaf plantations. The Committee also recommends that the child labour laws should be strictly enforced, the labour inspectorates strengthened and

penalties imposed in cases of violation. The Committee further recommends that the State party adopt appropriate programmes and policies for the protection and rehabilitation of children living and/or working on the streets. In addition, the Committee recommends that the State party continue working in cooperation with the International Labour Organization's International Programme for the Elimination of Child Labour (IPEC).

Drug abuse

65. Although the Committee takes note of the measures taken to combat drug abuse by children, such as the establishment of the National Plan (1995) and the RUMBOS programme, it is still concerned that drugs and substance abuse remain a major area of concern. It is also concerned about the widespread use of children in the illicit production and trafficking of drugs.

66. In the light of article 33 of the Convention, the Committee recommends that the State party continue taking effective measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to support rehabilitation programmes for child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF, the World Health Organization and the International Narcotics Control Board.

Sexual exploitation

67. While noting with appreciation the revisions to the State party's Penal Code and the establishment of a national plan of action to combat and prevent the sexual exploitation of children, the Committee remains concerned at the insufficient awareness among the population of these issues.

68. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party fully implement its national plan of action to prevent and combat this phenomenon and that it continue conducting awareness raising campaigns on this issue. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996. Furthermore, the Committee encourages the State party to ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

Sale, trafficking and abduction

69. While the Committee takes note of the State party's efforts to combat the trafficking and sale of children, it remains concerned about the lack of adequate preventive measures in this area.

70. The Committee recommends that measures be taken on an urgent basis, such as a comprehensive programme to prevent and combat the trafficking and sale of children, including an awareness-raising campaign and educational programmes, in particular in the rural areas and for concerned governmental officials.

71. Furthermore, the Committee welcomes the State party's signature of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and encourages the State party to ratify and implement it as soon as possible.

The administration of juvenile justice

72. While the Committee takes note that prisons for children have been closed and that re-education centres for children in conflict with the law have been established, it remains concerned, inter alia, at the situation of children placed in these centres, in particular regarding their long-term placement, which constitutes a form of deprivation of liberty; that deprivation of liberty and isolation of juveniles are systematically used in police stations; that juvenile courts use measures of confinement not as a measure of last resort; at the lack of alternative measures to the use of deprivation of liberty (e.g. assisted liberty); and at the insufficient re-education and rehabilitation measures for juveniles offenders.

73. In the light of articles 37, 40 and 39 and other relevant United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Committee recommends that the State party:

(a) Ensure that deprivation of liberty is used only as a measure of last resort, for the shortest period and only for serious offences;

(b) To improve the living conditions of children in re-education centres;

(c) To strengthen and increase its efforts to develop alternative measures to the deprivation of liberty;

(d) To develop effective probation services for juveniles, in particular those who are released from re-education centres in order to support their reintegration in society;

(e) To strengthen its training programmes on the relevant international standards for judges, professionals and staff working in the field of juvenile justice.

The Committee recommends that the State party seek international assistance in the area of juvenile justice from inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Dissemination of reports

74. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public at large and that consideration be given to the publication of the report, along with the concluding observations adopted thereon by the Committee and the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government and the Parliament, and among the general public, including concerned non-governmental organizations.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

**Concluding observations of the Committee on the Rights of the Child:
Central African Republic**

1. The Committee considered the initial report of the Central African Republic (CRC/C/11/Add.18) at its 657th to 658th meetings (CRC/C/SR.657 and 658), held on 28 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the submission of the State party's report, the prompt submission of the written answers to the list of issues (CRC/C/Q/CAR.1), and the additional information provided to it during the course of the dialogue. The Committee welcomes the dialogue that took place and notes the State party's frank and self-critical approach.

B. Positive aspects

3. The Committee notes references to children in the State party's Constitution and the adoption of a new Family Code which entered into force in October 1998.

4. The Committee congratulates the State party for its establishment of a Children's Parliament and of a network of ambassadors for peace.

* At the 669th meeting, held on 6 October 2000.

5. The Committee notes the introduction of a programme through which schools are managed by local communities and that there has been an increase in the enrolment of children living within those communities.

6. The Committee strongly commends the State party for its efforts to receive refugee children from neighbouring countries.

7. The Committee notes the establishment of the National Commission for the Follow-Up of the Convention and of committees at the provincial and communal levels.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee notes that the State party is only now emerging from a period of political instability and intermittent armed conflicts requiring a United Nations peacekeeping presence.

9. The Committee notes that several countries bordering the State party have been involved in armed conflicts, leading to regional instability, refugee movements, including into the State party, and a weakening of the regional economy.

10. The Committee notes the very serious economic problems faced within the State party, the failure of economic reforms, the pressures exerted by structural adjustment programmes and the landlocked situation of the country.

11. The Committee notes, in particular, that the very high illiteracy rate among the population in general is a serious impediment to implementation of certain aspects of the Convention in the countryside.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Legislation

12. The Committee is concerned at the lack of an appropriate legal framework, with the judicial system still reliant upon colonial-era legislation which is not always appropriate to the current situation. The Committee is concerned, further, that customary practices are sometimes applied instead of domestic law and that some of these practices violate children's rights.

13. The Committee recommends that the State party make every effort to review domestic legislation and to ensure its conformity with the provisions of the Convention on the Rights of the Child. The Committee urges the State party to strengthen implementation of legislation and, in particular, to end those customary practices which violate children's rights.

National plan of action

14. The Committee is concerned at the lack of implementation of the 1993 National Plan of Action for the survival and development of children.

15. Recognizing the efforts under way, the Committee recommends that the State party update the National Plan of Action and make every effort to reinforce future implementation, inter alia, through implementation of the various recommendations included in the new plan and in the present concluding observations, and ensure that implementation takes into consideration the holistic nature of the Convention. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Policy and coordination

16. The Committee expresses concern at the lack of a national policy setting out the main orientations and strategies for the comprehensive care of children and notes the weaknesses in the coordination of efforts made on behalf of children described in the State party's report.

17. The Committee recommends that the State party pursue its own proposals to create coordination mechanisms at the national and local levels and to adopt a single integrated child rights policy. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Budgetary allocations

18. The Committee is concerned that an insufficient proportion of budgetary resources is devoted to implementing the provisions of the Convention.

19. In the light of article 4 of the Convention, the Committee recommends that the State party pursue its goals to increase budgetary allocations in the health and education sectors to at least 25 per cent of the national budget and to ensure adequate resource distribution for the implementation of the Convention as a whole.

Monitoring and data collection

20. The Committee notes with appreciation the establishment of the National Commission for the Follow-Up of the Convention on the Rights of the Child but it is concerned nevertheless that there is insufficient monitoring of the implementation of the Convention and that the State party lacks sufficient data for the formulation and implementation of policy on child rights.

21. The Committee recommends that the State party take the necessary measures to strengthen the National Commission for the Follow-Up of the Convention on the Rights of the Child. The Committee recommends in particular that the Commission be made fully independent and provided with the resources, including, for example, document translation and duplication facilities, and the authority to function effectively and to receive and investigate complaints concerning violations of children's rights. The Committee also recommends that the State party consider additional ways to improve monitoring and the

use of the information gathered to strengthen efforts to implement the Convention. The Committee further recommends the strengthening of procedures for the collection of data disaggregated according to the different criteria covered by the Convention. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Civil society

22. The Committee is concerned that civil society is under-resourced, insufficiently well organized and consequently unable to contribute fully to the implementation of children's rights in the State party. The Committee is concerned also at the absence of a single coalition of NGOs focusing on child rights in the State party.

23. The Committee recommends that the State party review the capacity and contribution of civil society in the implementation of the Convention. The Committee also recommends that the State party make every effort to strengthen the role played by civil society, inter alia, through improvements in the registration of NGOs, the provision of support to civil society in accessing resources and through facilitating the functioning of civil society programmes. The Committee further recommends the establishment of a coalition of NGOs focusing on children's rights, with a view to improving coordination and the use of resources.

Dissemination of the Convention

24. The Committee is very concerned about the poor knowledge and understanding of the Convention within the State party, especially among rural populations.

25. The Committee urges the State party to make every effort to improve knowledge and understanding of the Convention and its provisions among the population in general and the rural population in particular. The Committee recommends that the State party undertake a long-term campaign to disseminate the Convention through diverse means, taking into consideration the high rates of illiteracy and the lack of access of the large majority of the population to television or radio. The Committee recommends that the State party seek assistance from UNICEF and OHCHR in this regard.

2. Definition of the child

26. The Committee is concerned at the practice of employing children at a young age.

27. The Committee recommends that the State party improve implementation of domestic legislation in relation to the employment of children and sensitize the public about the harm caused by child labour.

3. General principles

Discrimination

28. The Committee is concerned that there is extensive discrimination against girls with regard, in particular, to access to education and inheritance rights. The Committee is also concerned that there is discrimination against children with disabilities and against minority populations, notably including Pygmies.

29. The Committee recommends that the State party take action to end discrimination including, in particular, discrimination against girls, discriminatory customary practices and discrimination against children with disabilities and children from minority groups. The Committee recommends that the State party address discrimination, inter alia, through improved implementation of national legislation prohibiting discrimination and through the sensitization of the population.

Best interests

30. The Committee is concerned that the best interests of children in the State party are not respected and notes that this concern is closely linked, inter alia, to the allocation of insufficient resources for the respect and protection of children's rights.

31. The Committee recommends that the State party make additional efforts to ensure that the best interests of children are respected and to increase the allocation of resources in this regard.

Right to life, survival and development

32. The Committee is concerned at violations of the child's right to life with regard, inter alia, to those children born in the breech position. The Committee is also concerned that many children's rights to survival and development are not respected.

33. The Committee recommends that the State party review the impact of traditional attitudes which may be harmful for children, such as attitudes with regard to children born in the breech position, and that the right to life be guaranteed. Further, the Committee urges the State party to strengthen its efforts to ensure respect for the rights to survival and development of all children.

Right to be heard

34. The Committee joins the State party in expressing its concern for the limited respect given to the views of children, including as a result of customary and traditional practices, in schools and in the family and particularly within rural communities.

35. In light of article 12 of the Convention, the Committee recommends that the State party promote the right of children to express their views through the adoption and implementation of appropriate legislation, through the sensitization of key professional groups and the family, through use of the media and through other activities targeting the public in general and parents and schools in particular.

4. Civil rights and freedoms

Right to a name and nationality

36. The Committee is concerned at the low levels of birth registration in the State party and at reports indicating that there are financial charges for this service.

37. In light of article 7 of the Convention, the Committee recommends that the State party make every effort to ensure the birth registration of all children, particularly in rural areas, for example via the use of mobile offices, and to ensure that birth registration services are free.

38. The Committee is concerned at violations of the right to a nationality for children whose birth has not been registered or for children born in the State party and whose parents are not nationals of the State party. The Committee joins the State party in noting that while children can acquire nationality from age 12, parents who are non-nationals have much greater difficulty in acquiring nationality.

39. The Committee recommends that the State party examine concerns relating to the access of children to a nationality and make every effort to improve respect for this right. The Committee also recommends that the State party give attention to the situation of children whose parents are unable to claim the State party's nationality.

Fair trial rights

40. With reference to the State party's report and replies received to questions during the dialogue, the Committee is concerned that the interpretation of the legal status of minors results in very limited possibilities for children to receive legal advice.

41. Aware of the limited resources available to the State party, the Committee recommends that consideration be given to the establishment of "legal aid centres" run by volunteers, for example law students, through which children can be provided with legal advice.

Access to information

42. The Committee is concerned that children have poor access to information.

43. The Committee recommends that the State party improve children's access to information, inter alia by providing greater access to newspapers and libraries, including materials in the Sango language, and to radio. The Committee recommends, in addition, that the State party ensure that children are protected from harmful information.

Corporal punishment and violence

44. The Committee is concerned at incidents of police brutality and corporal punishment committed against children, notably in Bangui.

45. The Committee recommends that the State party end all acts of violence against children, including corporal punishment, committed by, among others, members of the police forces. The Committee also recommends that the State party provide child rights training programmes for police and detention officials.

5. Family environment and alternative care

46. The Committee is deeply concerned at weaknesses in family structures and unity as a result of poverty and HIV/AIDS. The Committee is also concerned by the practices of early and forced marriage.

47. The Committee recommends that the State party provide additional support to families in combating the effects of poverty and in compensating for the loss of earnings and other support caused by illness or death from HIV/AIDS among parents. The Committee also recommends that the State party strengthen its efforts to end the practices of early and forced marriage. The Committee recommends, in addition, that support also be provided to communities as a whole. The Committee recommends that the State party seek assistance from UNICEF and WHO in this regard.

Children deprived of a family environment

48. The Committee is very concerned that current facilities available for the alternative care of children deprived of their family environment are insufficient and that many children do not have access to such assistance. In addition, the Committee joins the State party in expressing concern at the low quality of care provided by existing State and non-governmental structures and the difficulties faced by extended families which take on the responsibility of caring for orphans.

49. The Committee recommends that the State party urgently adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, the expansion of existing structures, the improved training of staff, the allocation of increased resources to relevant bodies and the provision of assistance to extended family members who take on responsibility for orphaned children. The Committee recommends that the State party seek assistance from UNICEF in this regard.

Adoption

50. The Committee joins the State party in expressing deep concern at the problems suffered by children in the context of domestic adoption, intercountry adoption and guardianship proceedings, and in particular at reports of the ill-treatment of children by guardians.

51. The Committee recommends that, in the context of improvements to alternative care, the State party review and strengthen its adoption proceedings and consider reviewing the use of the guardianship mechanism which does not appear to provide sufficient protection to children. The Committee also recommends that the State party become a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Abuse and neglect

52. The Committee is concerned at the incidence of abuse, including sexual abuse, and neglect of children in the State party, and that insufficient efforts have been made to protect children.

53. The Committee recommends that the State party implement measures to address the abuse and neglect of children including, inter alia, through improved monitoring, reporting and responses to such practices. The Committee recommends, in addition, that the State party sensitize parents and the population in general on this issue.

6. Basic health and welfare

Health and health services

54. The Committee is concerned at the very high mortality rate among young children and the high maternal mortality rate, the high level of serious illnesses, problems related to malnutrition among children and mothers, low immunization rates and poor access to safe drinking water. The Committee is concerned, in addition, that the charging of fees for basic health care, and particularly prenatal and maternal care, may limit the access of disadvantaged children and their mothers to health services. Further, the Committee is concerned at weaknesses in the health information system and the lack of health statistics in particular.

55. The Committee urges the State party to make every additional effort to address urgently health concerns among children and adults and to improve access for the whole population, including poor families, to health services. The Committee urges the State party in particular to consider and apply means through which charges for health services can be removed or reduced for disadvantaged children and mothers and to improve the decentralization of effective health services. The Committee recommends that the State party make free medical assistance available to pregnant women, including the assistance of trained professionals during childbirth. The Committee urges the State party to continue to seek international cooperation in this regard, including from UNICEF, WHO and others.

HIV/AIDS

56. The Committee is deeply concerned at the high level of HIV/AIDS infection among children or their parents or other persons, such as teachers, with a particular responsibility towards children.

57. The Committee urges the State party to strengthen its efforts to combat HIV/AIDS infection, including through efforts to combat tuberculosis. The Committee also urges the State party to consider ways of minimizing the impact upon children of HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to a family life, to emotional care and education.

Harmful traditional practices

58. The Committee is concerned at the practice of female genital mutilation in some areas of the State party.

59. The Committee urges the State party to end female genital mutilation, inter alia through the development and implementation of legislation and programmes prohibiting and addressing the practice and through sensitization of the population. The Committee recommends that the State party take advantage of the efforts in this regard made by other States.

Adolescent and reproductive health

60. The Committee is concerned at the limited availability of health assistance for adolescents and of reproductive health education and assistance for adolescents and adults. The Committee is also concerned at the number of pregnancies and the incidence of sexually transmitted diseases, including HIV/AIDS, among adolescents.

61. The Committee recommends that the State party improve the provision of health assistance to adolescents and of reproductive health education and assistance to both adolescents and adults. The Committee recommends that the State party make special efforts to address the incidence of pregnancy and sexually transmitted diseases among adolescents including through the provision of child-friendly counselling.

Mental health

62. The Committee is concerned at the lack of mental health assistance for children and at the situation of mental health among children and adolescents, particularly in the context of widespread family instability and the armed mutinies.

63. The Committee recommends that the State party ensure the availability of mental health assistance to children, taking into consideration the developmental needs of children and addressing in particular those children affected by family instability, HIV/AIDS and the armed mutinies.

Children with disabilities

64. The Committee is concerned that the rights of children with disabilities are respected to only a very limited extent. The Committee is particularly concerned at the need for improved access for children with disabilities to specialized health and care assistance.

65. The Committee, noting that a policy for the advancement of persons with disabilities has been submitted to the National Assembly, recommends that the State party focus its activities on behalf of children with disabilities on supporting their families in order to prevent their being institutionalized. Further, the Committee recommends that the State party improve the overall protection of the rights of children with disabilities including, in particular, through the improvement of access for children with disabilities to specialized health and care assistance. The Committee urges the State party to apply the recommendations made during the Committee's day of general discussion on children with disabilities and the relevant United Nations guidelines on disability.

Social security

66. The Committee acknowledges the State party's efforts to establish a social security system, but joins the State party in expressing concern at the limited access of members of the population to such assistance.

67. The Committee encourages the State party to make every effort to ensure that, at a minimum, children from poorer families and communities, including rural communities, have access to basic health and other services which are either free or within their means.

Standard of living

68. The Committee notes the very low standard of living of a majority of the State party's population, owing in part to increasing poverty and involving, inter alia, no access to drinking water and very poor sanitation conditions.

69. The Committee recommends that the State party make urgent efforts to raise the standard of living among the population, including in particular the rural population, by improving, inter alia, access to drinking water and sanitation.

7. Education, leisure and cultural activities

Education

70. The Committee is deeply concerned at the low education levels among children in the State party, the number of children who are several years behind in their primary education, the high drop-out rate of children who do attend school and the closing of many schools and classes because of a lack of teachers. Further, the Committee remains concerned at the difficulties linked to the introduction of the national language into schools.

71. The Committee recommends that the State party make every effort to raise the level of educational achievement among children through, inter alia, increasing the number of available schools and classes, providing for the initial and ongoing training of more teachers and school inspectors, developing standard national textbooks, increasing the rates of enrolment and providing assistance with school fees, uniforms and other equipment for poor families. The Committee urges the State party to seek international assistance in this regard, including from UNICEF and UNESCO. The Committee further recommends that the State party continue to make every effort, including through the allocation of relevant material and other resources, to standardize the use of the Sango language in schools.

Leisure and cultural activities

72. The Committee is concerned that children have insufficient opportunity to exercise their rights to leisure and cultural activities.

73. The Committee recommends that the State party improve respect for the right of children to leisure and cultural activities, including promoting these rights among parents, teachers and community leaders. The Committee also recommends that the State party make its "Ambassadors for Peace" programme accessible to children who are currently excluded from the education process. The Committee recommends that the State party seek assistance from UNESCO and UNICEF in this regard.

8. Special protection measures

Child refugees

74. The Committee is concerned at the situation of some refugee children who are obliged to beg for food and money on city streets.

75. Noting the State party's considerable efforts to welcome refugees from neighbouring countries, the Committee recommends that the State party continue to assist child refugees and their families and to maintain its cooperation with UNHCR, making particular efforts to assist refugee children who are living or working on the streets.

Juvenile justice

76. While recognizing the State party's efforts in this domain, the Committee remains concerned at the limited progress achieved in establishing a functioning system of juvenile justice throughout the country. In particular, the Committee is concerned at the small number of juvenile courts, none of which is outside Bangui, the detention and imprisonment of juveniles with adults and the absence of assistance towards the rehabilitation and reintegration of juveniles following justice proceedings.

77. The Committee recommends that the State party pursue its efforts to train judges in juvenile justice and that the State party extend such training to other law enforcement officials, including police and prison personnel. The Committee also recommends that

every effort be made to separate children from adults in detention and prison facilities and to establish a programme of rehabilitation and reintegration of juveniles following justice proceedings. The Committee further recommends that the State party make further efforts to implement the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee recommends that juvenile courts be established at all prefectures and that the State party seek international assistance in the area of juvenile justice from, among others, OHCHR, the Centre for International Crime Prevention, UNICEF and the International Network on Juvenile Justice, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Child labour

78. The Committee is concerned by the fact that child labour in the State party is widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

79. The Committee, acknowledging the State party's commitment to drafting a policy on child labour that has as its starting point the elimination of the worst forms of such labour, recommends that the State party pursue and strengthen its efforts. Noting also its recent ratification of ILO Convention No. 138 on the Minimum Age for Admission to Employment, the Committee recommends that the State party make every effort to implement this convention and to ratify and implement ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee recommends that the State party seek assistance from ILO/IPEC in this regard.

Drug abuse

80. The Committee is concerned at the incidence of drug abuse by children in the State party, including the sniffing of petrol and glue.

81. The Committee recommends that the State party implement measures to prevent and eliminate the abuse of drugs by children, including the sniffing of petrol and glue, inter alia through sensitization of children and adults about the harm caused by such abuse and through the implementation of measures providing for the care, rehabilitation and social reintegration of child drug abusers.

Children in armed conflict

82. The Committee is concerned at the several incidents of internal disturbance, including mutinies, within the State party and the effect of such incidents on children.

83. The Committee recommends that the State party protect children from the effects of armed conflict or other strife within the State party. The Committee also recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict at the earliest opportunity.

Sexual exploitation

84. The Committee is concerned that children may be at risk of being sold or made to engage in prostitution.

85. The Committee recommends that the State party monitor and address any incidents involving the sale or prostitution of children and consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Dissemination of the report, written answers, concluding observations

86. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Marshall Islands

1. The Committee considered the initial report of Marshall Islands (CRC/C/28/Add.12), received on 18 November 1998, in its 659th and 660th meetings (see CRC/C/SR.659 and 660), held on 29 September 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/MAR/1). The Committee notes with appreciation the high-level delegation sent by the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee takes note of the establishment in 1991 of the National Nutrition and Children's Council (NNCC) and acknowledges its major role in the overall preparation of the State party's initial report.

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* At the 669th meeting, held on 6 October 2000.

4. The Committee notes with appreciation the holding of two national workshops on the Convention which took place respectively in Majuro (early 1999) and Ebeye (May 2000), leading to the production of a workplan at community level in the areas of health, nutrition, child protection, child participation and education.

5. The Committee welcomes the production and dissemination of a pamphlet on articles of the Convention in the Marshallese language.

6. The Committee welcomes the completion of a national curriculum for primary education, which sets up teacher training programmes and establishes a community-based governance system, and takes note of the ongoing teacher training programmes for primary school teachers and the increasing teacher-pupil ratio.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that socio-economic and geographic difficulties facing the State party, as well as customary practices and traditional attitudes, have impeded the full implementation of the Convention. In particular it notes the challenges faced by the State party in implementing adequate programmes and services for children in its dispersed island communities, some of which are isolated, very difficult to reach and have few inhabitants.

D. Subjects of concern and recommendations of the Committee

1. General measures of implementation

Legislation

8. The Committee notes with concern that the Convention has not yet been enacted into law, which is necessary in order for it to be a part of the Marshallese legal system. Further, while welcoming the request by the Ministry of Internal Affairs to UNICEF for assistance in the review of all aspects of its domestic legislation relating to children, it expresses its concern that the domestic legislation and customary law do not fully reflect the principles and provisions of the Convention.

9. The Committee recommends that the State party take all necessary steps to incorporate the Convention into domestic law and that it undertake the review of all aspects of its domestic legislation relating to children with a view to ensuring full conformity with the principles and provisions of the Convention. It also recommends that the State party consider the enactment of a comprehensive children's code. In this regard, the Committee further recommends that the State party seek additional technical assistance from, among others, UNICEF.

10. The Committee notes with concern that the State party has not yet ratified the major United Nations human rights treaties, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, or other relevant international conventions, like the Hague Convention on the Civil Aspects of International Child Abduction of 1980 and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoptions of 1993.

11. The Committee recommends that the State party consider ratifying at least the major human rights treaties and relevant conventions adopted at The Hague with a view to strengthening the human rights culture in the country.

Coordination

12. The Committee is concerned at the absence of a focal point for children within the Government and at the lack of mechanisms at the national and local levels for coordinating policies relating to children and for monitoring the implementation of the Convention.

13. The Committee recommends that the State party consider establishing a focal point within the Government and coordination mechanisms between the various ministries, as well as between central and local authorities, with a view to developing a comprehensive national strategy or plan of action for children and ensuring the implementation of the Convention in the country and its regular evaluation.

Allocation of budgetary resources

14. The Committee remains concerned that in light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources in favour of children, in particular those who live in the outer islands.

15. In light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children to the "maximum extent of ... available resources and, where needed, within the framework of international cooperation".

Independent monitoring structures

16. The Committee notes with concern that there is no independent body to monitor observance of the implementation of children's rights with a view to promoting and protecting them and to deal with individual complaints concerning all children's rights not only violations of law.

17. The Committee encourages the State party to consider creating an independent child-friendly body easily accessible to children such as an ombudsperson or a national commission for children's rights, the establishment of which must be in keeping with the Paris principles (General Assembly resolution 48/134, annex), to monitor the implementation of the Convention and to deal in an expeditious way with individual complaints concerning children's rights. In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, the United Nations Development Programme (UNDP), UNICEF and the Office of the High Commissioner for Human Rights (OHCHR).

Data collection

18. The Committee is concerned at the lack of an adequate mechanism for the systematic collection of comprehensive disaggregated data for all areas covered by the Convention and in relation to all groups of children for the purpose of monitoring and evaluating progress achieved and assessing the impact of policies adopted with respect to children.

19. The Committee, while noting with appreciation that the Census of Population and Housing of 1999 provides a wealth of statistical information on children, encourages the State party to use this as a basis for the development of a regular and methodical system of comprehensive data collection consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect, or ill-treatment; children with disabilities; teenage mothers; teenagers who commit suicide; children in conflict with the law; children born out of wedlock; children who work; adopted children; and children living in the outer island communities. It further encourages the State party to use indicators and data in the formulation of policies and programmes for the effective implementation of the Convention.

Dissemination of the principles and provisions of the Convention

20. While noting the efforts of the State party in disseminating information about the Convention, the Committee is concerned that the principles and provisions of the Convention are not disseminated at all levels of society.

21. The Committee recommends that the State party develop more creative methods to promote the Convention, including through visual aids such as picture books and posters, along with traditional methods of communication. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The Committee further recommends that efforts be made to sensitize civil society, including community leaders, NGOs and the media, about children's rights with a view to changing negative traditional public attitudes and to facilitate broad participation in the dissemination and promotion of the Convention. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system. It is suggested that the State party seek technical assistance from, among others, OHCHR, UNICEF and UNESCO.

Civil society

22. The Committee expresses its concern at the insufficient participation and involvement of relevant non-governmental organizations and other civil society partners in the formulation and implementations of policies and programmes relating to children.

23. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention and recommends that the State party

consider a systematic approach to involve civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. Further, it encourages the State party to support initiatives aimed at strengthening the role of civil society and to equip members of civil society with the knowledge and skills essential for working in partnership with local communities.

2. Definition of the child

24. The Committee is concerned about the disparity between the minimum legal age for the marriage of boys (18 years) and that of girls (16 years).

25. In light of article 1 and other related provisions and principles of the Convention, the Committee encourages the State party to pursue its efforts to review its legislation with a view to increasing the minimum age of marriage for girls to that for boys in order to bring it into full conformity with the provisions and principles of the Convention.

3. General principles

General principles

26. The Committee, noting that the State party's general approach is more welfare oriented rather than child rights based, is concerned that the principles of the best interests of the child (art. 3) and the right to life and development (art. 6) are not fully reflected in the State party's legislation, its administrative and judicial decisions, or its policies and programmes relevant to children. Further, the Committee expresses its concern that the principle of respect for the privacy of the family, guaranteed by the Constitution and customary practice, may limit interventions within the family which, in accordance with article 9 of the Convention, may be in the best interests of the child.

27. The Committee recommends that the general principles of the Convention, in particular the provisions of its articles 3 and 6, should be appropriately integrated in all revisions to legislation as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children and should guide the determination of policy-making at every level and in particular actions taken by social welfare institutions, courts of law and administrative authorities.

Non-discrimination

28. The Committee is concerned that the principle of non-discrimination (art. 2) is not fully implemented for children living in the outer islands and in poor urban communities, especially with regard to their access to adequate health and educational facilities.

29. The Committee recommends that the State party collect disaggregated data to enable effective monitoring of potential discrimination, in particular against girls, children living in poor urban communities and in the outer islands and those with disabilities.

Respect for the views of the child

30. The Committee notes with concern that traditional attitudes still prevailing in the country may not be conducive to the full participation of children in family, school and social life.

31. The Committee recommends that the State party seek to develop a systematic approach, with the involvement of professionals working with children, in particular teachers, and civil society, including community leaders and NGOs, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, schools, and generally in society. Further, it encourages the State party to recognize the right of children to have their views heard and taken into account in the determination of policy-making at every level and in particular actions taken by social welfare institutions, courts of law and administrative authorities.

4. Civil rights and freedoms

Birth registration

32. In light of article 7 of the Convention which requires the registration of children "immediately after birth", the Committee expresses its concern at the insufficient measures undertaken to ensure the birth registration of all children, in particular those living in the outer island communities.

33. The Committee recommends that special efforts be developed to guarantee an effective system of birth registration to ensure that all children fully enjoy their fundamental rights. In that regard, it encourages the State party to develop more widespread awareness among the population of the importance of birth registration and to improve the registration system, including by providing mobile registration units in the outer islands.

Access to appropriate information

34. The Committee notes with concern that children living in the outer islands do not have adequate access to information and material from a diversity of national and international sources aimed at promoting the child's development and physical and mental health. It is also concerned that children are not adequately protected from violence and pornography on television, in video films and in other media.

35. The Committee recommends that the State party reinforce measures for the production of programmes and books for children and disseminate them within the country, in particular the outer islands, and in this regard envisage taking steps for the introduction of the use of computers in schools. In light of articles 13, 17 and 18 of the Convention, it further encourages the State party to develop appropriate guidelines and legislation for the protection of the child from information and material injurious to his or her development, in particular violence and pornography, and also to develop programmes to educate parents.

Corporal punishment

36. The Committee is concerned that the use of corporal punishment within the family, schools, other institutions, and generally within society is not expressly prohibited by law.

37. In light of articles 19, 28 (2) and 37 of the Convention, the Committee recommends that the State party adopt appropriate legislative measures to prohibit the use of any form of corporal punishment within the family, schools and other institutions. It also encourages the State party to develop measures to raise awareness about the negative effects of corporal punishment and ensure that alternative forms of discipline are administered in families, schools and other institutions in a manner consistent with the child's dignity and in conformity with the Convention.

5. Family environment and alternative care

Parental responsibilities

38. The Committee expresses its concern at the many children in urban areas who are left unattended at home while their parents are at work or pursue leisure activities and notes that, owing to recent and rapid urbanization, assistance from extended family support networks is not always available. Further, it takes note with concern that single parenthood and teenage pregnancy are also increasing.

39. The Committee recommends that the State party continue and strengthen its measures and programmes to educate and provide counselling on parental responsibilities to the general public. In light of articles 18 and 21 of the Convention, it also urges the State party to consider developing comprehensive measures to encourage responsible parenthood and to assist needy families with their child-rearing responsibilities, for instance by offering social assistance to families or by securing childcare services and facilities for working parents.

Adoption

40. The Committee is concerned at the lack of criteria for monitoring, evaluation and follow-up of domestic adoptions, and at the absence of information and data about the practice of "customary adoptions" by family members. Also, it notes with concern that in intercountry adoptions the children concerned are not adequately protected.

41. The Committee, while noting with appreciation that the legislation on adoption is under review with the technical assistance of UNICEF, recommends that all adoption placements be monitored and periodically reviewed by the authorities. Further, it encourages the State party to undertake a study, including data disaggregated by gender, age and rural/urban area provenance, to analyse the phenomenon of "customary adoptions" by family members with a view to understanding the scope and nature of this practice and adopting adequate policies and measures. Further, the Committee

recommends that the State party ensure that children involved in intercountry adoptions enjoy the same safeguards and standards as regulate domestic adoptions. It also encourages the State party to consider ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

Child's right to protection from all forms of violence

42. While noting the Child Abuse and Neglect Act, the Committee remains concerned about the lack of data, appropriate measures, mechanisms and resources for the prevention of and fight against domestic violence, including child sexual abuse, and the absence of public debate and awareness-raising on this issue. It also expresses its deep concern that incest is not expressly prohibited by law, even though it is forbidden by customary practice, and that the legislation protects only girls from sexual abuses.

43. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order to understand the scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly investigative and judicial procedure, especially in light of the restrictive rules on evidence against family members, and sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. It also recommends that the State party adopt appropriate legislative measures to prohibit incest and protect boys as well as girls from sexual abuse. The Committee recommends that the State party seek technical assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Health and health services

44. While noting the efforts of the State party to improve the general situation of health such as the development of a Fifteen-Year Strategic Health Plan for the years 2001 to 2015, the Committee is nevertheless concerned that the survival and development of children within the State party continue to be threatened by illnesses caused by inadequate sanitation, hygiene and diet, and that vitamin A and iodine deficiencies are widespread. The Committee is also concerned about the insufficient number of local trained health workers; wide discrepancies in the distribution of health professionals between communities; limited access to health services in the outer island communities; and poor sanitation and limited access to safe drinking water, particularly in recently developed urban areas and the outer islands communities.

45. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children and facilitate greater access to primary health services. It encourages the State party to continue its efforts to reduce the incidence of child and infant mortality and to undertake additional measures to increase access to safe drinking water and to improve sanitation. Further, with reference to the lack of trained local health workers and the tendency for these workers to emigrate, the Committee recommends that the State party reinforce its efforts to recruit and train more health workers and take appropriate measures to encourage those trained abroad to return after their training and practise in the Marshall Islands, in particular in the outer islands. Additionally, the Committee encourages the State party to continue its technical cooperation programmes with the Asian Development Bank (ADB), UNICEF, WHO and others to improve primary health care.

Malnutrition

46. The Committee, while noting that the State party has implemented a food and nutrition programme, expresses its concern at the increasing number of cases of malnutrition, due also to overcrowding in urban areas and the importation of food having high levels of sugar and fat, and at the low levels of breastfeeding.

47. The Committee recommends that the State party strengthen its nutrition programme in order to prevent and combat malnutrition and assess the impact of the programme on those affected with a view eventually to improving its effectiveness, in particular by encouraging healthier nutritional habits. It further encourages the National Nutrition and Children's Council to continue its work on a national breastfeeding policy.

Children with disabilities

48. While noting with appreciation the activities of the Maternal and Child Health programme (MCH) regarding the assistance to and rehabilitation of children with disabilities and the establishment of an Inter-agency Council for Disabled Persons following the Conference on Disability and Law in March 2000, the Committee remains concerned that insufficient efforts have been made in practice to protect the rights of children with disabilities.

49. The Committee recommends that the State party allocate the necessary resources for programmes and facilities for children with disabilities. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), it is also recommended that the State party develop early identification programmes to prevent disabilities, establish special education programmes for children with disabilities and further encourage their integration into the educational system and inclusion into society. The Committee recommends that the State party seek technical cooperation for the training of persons working with and for children with disabilities from, among others, UNICEF and WHO.

Adolescent health

50. The Committee expresses its concern regarding the limited availability of programmes and services in the area of adolescent health problems, including accidents, suicide, violence, the increase in sexually transmitted diseases (STDs) and abortions. The Committee is also particularly concerned at the high and increasing incidence of teenage pregnancy and the increasing rates of suicide, especially among young boys, as well as the increase in the use of alcohol and tobacco among youth, in particular young girls.

51. The Committee recommends that the State party increase its efforts to promote adolescent health policies, particularly with respect to accidents, suicides, violence, alcohol consumption and tobacco abuse. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken in order to understand the scope of adolescent health problems, including the negative impact of early pregnancy, STDs and HIV/AIDS. It is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular reproductive health, and to develop youth-friendly counselling, care and rehabilitation facilities that are accessible, without parental consent when in the best interests of the child. The State party is urged to strengthen reproductive health education programmes for adolescents and to ensure that men are included in all training programmes on reproductive health. The Committee encourages the State party to continue its technical cooperation programmes with the United Nations Population Fund (UNFPA) and UNICEF on these issues and to seek additional technical cooperation from WHO and UNAIDS.

7. Education, leisure and cultural activities

Education

52. While noting with interest the number of national efforts to review the system of education in the State party, in particular the Education Act of 1991, the Committee is concerned about the low enrolment rate in elementary and secondary schools; the high drop-out rate of students in high schools: the insufficient numbers and low standard of trained/qualified teachers and schools available, in particular in the outer islands; the poor quality of education and the lack of vocational training in schools. Further, the Committee expresses its concern at the lack of play space and recreational facilities for children, both in the urban centres and in the outer islands.

53. In light of article 28 of the Convention, the Committee recommends that the State party undertake appropriate measures to ensure regular attendance at schools, the reduction of drop-out rates and the incorporation of vocational education in school curricula. It also encourages the State party to continue to strengthen the teacher training programme in order to increase the number of trained teachers and improve the quality of teaching. The Committee further recommends that the State party seek to ensure the right of the child to rest and leisure and to engage in play and recreational activities, inter alia, by developing appropriate facilities, including in the outer islands. The Committee

recommends that the State party continue to strengthen its technical cooperation programmes with the ADB and other partners in order to develop a thorough and efficient educational system.

8. Special protection measures

Economic exploitation

54. The Committee is concerned at the absence of specific legislation regulating child labour and at the lack of information and data on this issue, especially in view of the high drop-out rates in high schools.

55. In light of existing international norms and standards, the Committee recommends that the State party develop legislation on child labour including a prohibition, as well as a definition of hazardous and harmful work and/or of the activities considered to be hazardous, harmful to the child's health or development or to interfere with the child's education; an indication of the minimum age for admission to employment; and appropriate regulation of the working hours and conditions of employment of children. It further encourages the State party to consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. In this regard, the Committee encourages the State party to seek technical cooperation for the development of the legislation from ILO.

Administration of justice

56. While acknowledging the existence of a Juvenile Procedure Act and the important fact that professionals working in the juvenile justice system have received training on the provisions of the Convention, the Committee remains concerned that the juvenile justice system is not fully in compliance with the Convention. This applies in particular to the failure to separate juvenile and adult prisoners and the use of the concept of status offences which punishes behaviour by a child that would not be punishable if committed by an adult.

57. The Committee recommends that the State party review its law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), with a view to abolishing status offences and ensuring child-friendly practices at the police and other levels of the juvenile justice system and the separation of juvenile and adult offenders in prison. With regard to the last, the State party is encouraged expeditiously to complete the building of the prison facility that will allow for the separation of juvenile and adult prisoners. The Committee further recommends that the State party seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Sexual exploitation

58. The Committee, while noting the establishment of a task force on prostitution within the Ministry of the Interior and the preparation of legislation on prostitution, nevertheless notes with concern the vulnerability of young girls in particular to sexual exploitation and abuse.

59. The Committee recommends that the State party expedite the adoption of the legislation on prostitution and undertake a study on this issue in order to understand its scope and causes, to enable effective monitoring of the problem and to develop all necessary measures and programmes to prevent and combat sexual exploitation and abuse of children taking into account the Agenda for Action of the Stockholm World Congress against Commercial Sexual Exploitation of Children. The Committee also invites the State party to consider ratifying the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

9. Dissemination of documents from the reporting process

60. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Slovakia

1. At its 663rd and 664th meetings (CRC/C/SR.663 and 664), held on 3 October 2000, the Committee on the Rights of the Child considered the initial report of Slovakia (CRC/C/28/Add.14), which was received on 6 April 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report, which followed in principle the guidelines for reporting and contained detailed information on the legal framework relating to the implementation of the Convention. It further appreciates the information provided in the written replies. The initial report lacked an analysis and sufficient data on the rights of the child in various sectors of the Convention. The Committee has been encouraged by the attendance of a high-level delegation, and expresses its appreciation for the open and professional dialogue that took place.

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* At the 669th meeting, held on 6 October 2000.

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B. Positive aspects

3. The Committee welcomes the accession or ratification by the State party of the most important international human rights instruments, including ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the European Framework Convention on the Protection of National Minorities of 1995.

4. The Committee welcomes the provisions on protection of children in the Constitution as well as the confirmation by legislation of this protection in the civil, family, labour, administrative, social security, health insurance and criminal law.

5. The Committee welcomes the establishment of the post of Deputy Prime Minister on Human Rights, National Minorities and Regional Development.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee notes that the State party has had to face difficult economic and social challenges posed by the transition to a market economy, including rising income inequality and unemployment, which have had a negative impact on the population, particularly children belonging to the most vulnerable groups.

D. Principal subjects of concern and recommendations of the Committee

1. General measures of implementation

Coordination

7. Despite the existence of the Slovak Committee for the Rights of the Child, the Committee is concerned that there may be deficiencies in coordination in relation to the implementation of the Convention. However, the Committee is encouraged that the State party is considering the preparation of a national action plan on the rights of the child.

8. The Committee recommends that the State party continue to pursue through an open and consultative process, the preparation and development of a comprehensive national plan of action to carry out its obligations under the Convention, and give attention to intersectoral coordination and cooperation at and between national and local levels of government.

Data collection/monitoring

9. The Committee is concerned with deficiencies in the collection and analysis of disaggregated data relating to persons under 18 years with respect to the rights contained in the Convention.

10. The Committee recommends that the State party establish a mechanism to systematically collect and analyse disaggregated data and use this information as a basis to assess progress and design policies to implement the Convention. The Committee encourages the State party to seek technical assistance from, among others, UNICEF in this regard.

11. In the field of human rights protection and promotion, the Committee emphasizes the importance of regularly monitoring and evaluating progress in the implementation of international human rights standards, including the Convention, at the national and local levels.

12. Noting the State party's activities in this regard, the Committee encourages the State party to establish a statutory, independent institution, adequately resourced and with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and empowered to receive and address complaints of violations of children's rights.

Budgetary allocation

13. The Committee regrets the lack of adequate information and apparent lack of transparency concerning the State budget resources allocated for the implementation of economic, social and cultural rights of children.

14. The Committee recommends that the State party implement article 4 of the Convention in the light of articles 3 and 6 in such a way that the proportions of the State budget that is allocated, to the maximum extent of available resources, and in accordance with legislation and policies, for economic, social and cultural rights, are easily identifiable and presented in a transparent way.

Training/dissemination of the Convention

15. Despite the various initiatives undertaken pursuant to the United Nations Decade for Human Rights Education, the Committee is concerned at the low level of awareness of the Convention amongst professionals working with and for children and the general public, including children.

16. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of Government. The Committee encourages the State party to pursue the promotion of children's rights education, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends that the State party strengthen its efforts to develop systematic and ongoing training programmes on the Convention for all professional groups working with and for children (e.g. legislators, judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers).

2. General principles

Best interests and consideration of views of the child

17. The Committee notes that the Constitution of Slovakia and other legislation provide adequate protection for the child and his or her family, which ensures the child's well-being. However, the concept of the best interests of the child and consideration for the views of the child are not explicitly included in legislative and administrative measures. While welcoming initiatives like the Children's Parliament, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, care institutions, the courts and, especially, within the family.

18. The Committee recommends that the State party review its legislation and administrative measures to ensure that articles 3 and 12 of the Convention are duly reflected therein. The Committee encourages the State party to promote and facilitate within the family, the school, care institutions and the courts respect for the views of children and their participation in all matters affecting them. In this regard, the Committee recommends that the State party develop skills-training programmes, in community settings, for teachers, social workers and local officials, in assisting children to make and express their informed decisions and to have these views taken into consideration.

Non-discrimination

19. The Committee notes the guarantees of equality and non-discrimination in article 12 of the Constitution and in the 1990 Charter of Fundamental Human Rights and Freedoms, and the provisions of the Penal Code concerning racism. The Committee welcomes the establishment of the Government's Plenipotentiary for Addressing Roma Minority Issues and the approval by the State of the 1999 Strategy for the Solution of the Problems of the Roma National Minority and the Set of Measures for its Implementation. In spite of continuing efforts by the State, the Committee is concerned that children belonging to the Roma minority experience de facto discrimination vis-à-vis several provisions of the Convention, particularly the right to the highest attainable health (art. 24), the right to an adequate standard of living (art. 27) and the right to education (art. 28).

20. The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee endorses the recommendations made by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/57/CRP.3/Add.4), and its general recommendation XXVII on discrimination against Roma, and recommends that the State party implement them. The Committee requests information on the progress of the implementation of the 1999 Strategy in its subsequent reports.

21. The Committee is concerned that the right of the child to be protected from discrimination by all appropriate measures is not implemented in conformity with article 2 of the Convention as the State party has not taken affirmative actions for the benefit of certain

vulnerable groups of children, especially Roma. The Committee notes that the Roma children need more help and support from the State party in order to enjoy the right to development on an equitable basis with other children.

22. The Committee recommends that the State party review the implementation of article 2 of the Convention in this respect. The Committee also recommends that the State party monitor and react to cases of discrimination against children in all sectors of society in a more effective manner.

23. The Committee notes that the 1999 Strategy envisages an analysis of the existing situation concerning discrimination on ethnic grounds against the Roma including, if necessary, amendments to relevant laws or the drafting of new laws.

24. The Committee recommends that the State party consider as an affirmative action the review of its legislation on a provisional basis with the aim of including the right of the Roma and their children to benefit from the development policies mentioned in the Strategy.

3. Civil rights and freedoms

Protection from torture, inhuman or degrading treatment or punishment

25. Noting the relevant provisions of the Penal Code, the Committee is concerned at the persistence of acts of violence by groups, particularly skinheads, directed towards Roma and their children and other ethnic minorities, and at continuous allegations that the police and prosecutors have failed to investigate acts of racially motivated violence promptly and effectively, and have been reluctant to identify a racial motive behind such attacks. The Committee is also concerned that the numbers of indictments and convictions are low relative to the number of incidents reported, and that perpetrators of racial crimes often receive light sentences.

26. The Committee recommends that the State party continue carrying out timely and thorough investigations and effective prosecutions against racist organizations. The Committee encourages the State party to continue to expand throughout the State preventive programmes to curb racially motivated violence directed towards Roma and their children and other ethnic minorities. The State party should develop clear guidelines and instructions for police and prosecuting authorities to assist them in identifying such crimes, and ensure timely and effective investigation, and prosecution of racially motivated attacks, including cases of police misconduct.

4. Family environment and alternative care

Children deprived of a family environment

27. The Committee is concerned at the existing practice of placing children outside the parental home and into institutional care, the limited periodic review of placement, and insufficient follow-up of children who leave institutional care.

28. The Committee recommends that the State party continue and strengthen its efforts to provide families and children in need with adequate professional and other support and to reunite children placed in institutions with their families. With respect to alternative care, the State party is encouraged to strengthen the foster care system and to promote placement of children with foster families and family-type foster homes. Attention needs to be given to adequate periodic review of placement, in accordance with article 25 of the Convention, and follow-up of children who leave care. The Committee encourages the State party to prepare and implement a comprehensive national plan of action to address the issue of children deprived of a family environment and to include information on its implementation in its second report.

Adoption

29. Noting that the State party has signed and is in the process of acceding to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, the Committee is concerned at the absence of clear legislative measures in this area.

30. The Committee encourages the State party to expedite its accession to and implementation of this Convention.

Violence/abuse/neglect/maltreatment

31. The Committee welcomes the establishment of special units in the Police Corps to deal with cases of neglect of children and domestic violence. The introduction in January 1999 of a special children's hotline to receive and address complaints in this area is a welcome development. The Committee is concerned that violence against women is a problem in Slovakia, and that this has harmful consequences on children.

32. In light of articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions, are prohibited. Attention should be given to ensuring that the abused child is not victimized in legal proceedings; strengthening programmes for the rehabilitation and reintegration of abused children; and addressing sociocultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party continue to undertake public education campaigns about the negative consequences of ill-treatment of children, including within the family. The Committee encourages the State party to continue to promote the use of the hotline and other mechanisms to receive complaints throughout the country; to use the disaggregated data collected as a basis for designing preventive and other measures; and to evaluate progress in this area.

5. Basic health and welfare

Children with disabilities

33. The Committee welcomes the comprehensive scheme of services and cash benefits available to families of children with disabilities as well as to non-governmental organizations

working in this area, but regrets that it has not received information regarding the eligibility criteria for these services and benefits. Further, it remains concerned at the inadequate infrastructure, the limited specialized staff and the institutionalization of children with disabilities, and the lack of inclusive programmes and policies and continuous monitoring of institutions.

34. The Committee recommends that the State party pursue a comprehensive approach towords addressing the rights of children with disabilities, reviewing existing policies and practice and taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (see CRC/C/69). The Committee recommends that the State party develop early identification programmes to prevent disabilities, undertake awareness-raising programmes to prevent discrimination and institutionalization, and establish community-based centres for the disabled to enable them to enjoy all the rights contained in the Convention. The Committee encourages the State party to seek assistance from, among others, UNICEF, UNESCO, WHO and relevant NGOs.

Right to health and health services

35. While acknowledging the measures taken to improve the health status of children, in particular initiatives related to the reduction of infant mortality, the Committee remains concerned about the persistence of regional disparities, particularly in relation to children belonging to the most vulnerable groups (e.g. Roma), in access to health care and the high rates of malnutrition of children under 5 and those in school.

36. The Committee recommends that the State party continue to undertake measures to ensure that all children, without discrimination, have adequate access to health-care services.

37. The Committee is concerned at the insufficient data available on the developmental health needs of adolescents.

38. The Committee recommends that the State party undertake a comprehensive study in order to understand the nature and extent of adolescent health problems and, with the full participation of adolescents, use this study as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education, child-friendly counselling and rehabilitation services, and that the State party undertake prevention programmes against STDs and HIV/AIDS. The Committee recommends that the State party establish comprehensive family planning programmes, as well as measures to ensure that abortion is not perceived as a method of contraception. The State party is encouraged to continue cooperation with and seek assistance from, among others, UNICEF and WHO.

39. The Committee is concerned at the high levels of pollution in industrialized areas, particularly air pollution and water and food contamination caused by nitrates, pesticides and heavy metals.

40. In light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures to prevent and combat the dangers and risks to the health of children posed by environmental pollution.

41. The Committee is concerned about reports of rising rates of tobacco and alcohol use among adolescents.

42. The Committee encourages the State party to provide children with accurate and objective information about substance use, including tobacco use, and to protect them from harmful misinformation through comprehensive restrictions on tobacco advertising. The Committee further recommends that the State party develop rehabilitation services for children who are victims of substance abuse.

Adequate standard of living

43. The Committee refers to the dialogue with the State party and notes that the social policies of the State party, in spite of their comprehensiveness, have resulted in the socio-economic exclusion of certain groups of children such as the Roma and children living in the streets and in institutions.

44. The Committee recommends that the State party include NGOs, especially family and children's NGOs, and civil society, in general, through dialogue, in the development of social policies in order to better understand the reasons for exclusion and to stimulate new ideas to raise the standard of living of vulnerable groups of children.

6. Education

45. The Committee acknowledges with appreciation that 10 years of schooling is compulsory in the State party and that it is free. The Committee is, however, concerned that children do not have the right to participate in the evaluation of their school achievements.

46. The Committee recommends that education in the State party be directed towards the development, with the active participation of the child, of the child's personality, talents and mental and physical abilities to their fullest potential, in accordance with article 29 of the Convention.

47. The Committee notes with concern that most Roma children attend special schools because of real or perceived language and cultural differences between the Roma and the majority; that the School Act does not offer instruction in the Roma language; and the negative, stereotypical description of the Roma and their children in general, but especially in the initial report.

48. The Committee recommends that the State party design further measures aimed at ensuring that Roma children have equal access to and opportunities to attend regular school with supportive education, if necessary. The Committee further recommends that the State party examine to what extent the current situation of the Roma language in the education system, with respect to both law and practice, meets the demands of the Roma population and their children and consider, as appropriate, further measures aimed at ensuring education or instruction in the Roma language, with reference to article 29 of the Convention. Teacher training in this language should be strengthened. The Committee recommends that the State party, in accordance with article 29 (c) of the Convention, ensure that the education system and the media in particular foster positive attitudes towards minorities and intercultural dialogue between the minorities and the majority, including children.

7. Special measures of protection

Commercial sexual exploitation

49. In line with the observation of the Special Rapporteur on the sale of children, child prostitution, and child pornography (see E/CN.4/1999/71), the Committee is concerned that Slovakia has become a transit country for the transport of children for pornography, prostitution and sex tourism. The Committee is also concerned at reports that commercial sexual exploitation, particularly involving Russian and Ukrainian girls, is increasing and at the generally insufficient data on and awareness about the phenomenon of commercial sexual exploitation of children in Slovakia.

50. The Committee recommends that the State party undertake a national study on the nature and extent of this phenomenon and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee recommends that the State party: ensure that domestic laws in this area are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect victims from discrimination and reprisals against those who expose violations; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need to adequately train personnel working with child victims. The Committee recommends that the State party continue to carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and protection from sexual exploitation. The Committee encourages the State party to continue its close collaboration with authorities abroad.

Administration of juvenile justice

51. The Committee notes recent amendments to the Penal Code and the Penal Rules in the area of juvenile justice. However, the Committee is concerned at the insufficient information available on prevailing conditions in detention facilities for juveniles and with respect to independent complaints mechanisms.

52. In light of article 37 of the Convention, the Committee recommends that the State party ensure that conditions of detention conform to international standards and in this regard consider the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment concerning the detention of juveniles. Moreover, the Committee recommends that the State party ensure that there are effective independent mechanisms available to receive and address concerns raised by detainees. The Committee recommends that the State party seek assistance from, among others, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

8. Optional Protocols to the Convention on the Rights of the Child

53. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

9. Dissemination of the report and the recommendations of the Committee

54. Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child:
The Islamic Federal Republic of the Comores

1. The Committee considered the initial report of the Islamic Federal Republic of the Comores (CRC/C/28/Add.13) at its 665th and 666th meetings (see CRC/C/SR.665-666), held on 5 October 2000 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report (CRC/C/28/Add.13), which follows its guidelines for reporting. The Committee notes that the report is frank and self-critical, despite the fact that it was prepared some years ago without the participation of civil society. The Committee also welcomes the written replies to the list of issues (CRC/C/Q/COM/1), which provide important updated information. The Committee appreciates the presence of a delegation directly involved in the implementation of the Convention in the State party and is encouraged by the very informative dialogue it had with that delegation, which was essential to enable the Committee to have a better understanding of the situation of the rights of the child in the State party.

* At the 669th meeting, held on 6 October 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the State party's accession to the Convention on the Elimination of All Forms of Discrimination Against Women (1994).

4. The enactment of the Health and Social Action Code, the Water Code and the education Act and the adoption of the National Plan of Action for Children are regarded as stepping stones in the creation of favourable conditions for the enjoyment by children of their rights.

5. The State party's efforts, in cooperation with international assistance, to implement the Bamako Initiative are welcomed by the Committee.

C. Factors and difficulties impeding the implementation of the Convention

6. Although the Committee is aware of the ongoing peace negotiations with the separatist forces in the island of Anjouan and of the embargo imposed on that island, it notes with concern the negative effects of the State party's political instability and the current socio-economic crisis on children, especially regarding the enjoyment of their human rights.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Protection of human rights

7. Concern is expressed that the State party has not acceded to the other main international human rights instruments, such as the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Similar concern is expressed with regard to regional human rights instruments, such as the African Charter on the Rights and Welfare of the Child.

8. The Committee encourages the State party to accede to the above-mentioned international and regional human rights instruments in order to strengthen the protection of human rights. The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, in implementing this recommendation.

Legislation

9. While the Committee is aware that a study on the compatibility between the Convention and domestic legislation has been undertaken, it remains concerned about the lack of harmonization between domestic legislation and the Convention. It is also concerned about the difficulties experienced in finalizing the adoption of new or amended legislation, including the draft family code.

10. The Committee recommends that the State party take all appropriate measures to complete the process of law review and, where appropriate, adopt or amend legislation so as to ensure the harmonization of applicable provisions of the different jurisdictions (traditional, Islamic and civil law), ensuring their conformity with the provisions and principles of the Convention. The Committee further recommends that, in the implementation of this recommendation, the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

Coordination/independent monitoring mechanism/structures

11. Noting the limited functions assumed by the national commission for follow-up to the Convention and by the Office of the Commissioner for the Status of Women, the Committee is concerned at the limitations faced by these two bodies in ensuring adequate coordination and monitoring of the implementation of the provisions of the Convention.

12. The Committee recommends that steps be taken by the State party to establish a coordination mechanism between the various government bodies involved in children's rights at both the national and local levels and that greater efforts be made to ensure cooperation with non-governmental organizations working in the field of children's rights.

13. The Committee also recommends that the State party consider the establishment of an independent body to monitor the implementation of the Convention. Such a body should be invested with the authority to receive and investigate individual or collective complaints regarding lack of compliance with the Convention and to make recommendations in that regard.

Budgetary allocations

14. Recognizing that the effective implementation of the Convention relies upon adequate and consistent allocation of budgetary resources, the Committee expresses concern at the lack of information on the current allocation of resources in favour of children, particularly in a context of widespread poverty.

15. In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. In this regard, the Committee recommends that the State party develop and implement a data collection system relevant to the implementation of the Convention.

16. The Committee urges the State party to establish, as soon as possible and based on reliable data, a policy for the allocation of resources in favour of children, including resources provided by international agencies or through bilateral assistance, and to establish how these resources will be used in future, ensuring that priority is given to the alleviation of poverty.

International cooperation

17. The Committee is deeply concerned at the State party's resource limitations, which constrain its ability to implement the principles and provisions of the Convention.

18. The Committee strongly recommends that the State party seek international assistance for the implementation of the principles and provisions of the Convention, bearing in mind the need to strengthen national capacity.

Dissemination and awareness raising

19. The Committee acknowledges the efforts of the State party to promote awareness of the principles and provisions of the Convention, especially in the context of the celebration of the Day of the African Child. However, the Committee remains concerned that the text of the Convention has not yet been translated into all national languages and that professionals working with and for children, parents, children and the public at large are generally not aware of the Convention and of the human rights it enshrines.

20. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the Convention among children and parents, civil society and all sectors and levels of government, including through the use of traditional information channels and working through community leaders. The Committee encourages the State party to pursue efforts to promote child rights education in the country, including initiatives targeting the most vulnerable groups. Moreover, the Committee recommends the reinforcement of adequate and systematic training and/or sensitization of traditional and religious leaders, as well as professional groups, including those working with and for children (e.g., judges, lawyers, law enforcement officials, parliamentarians, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists and social workers). The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

2. Definition of the child

21. The lack of a uniform and clear definition of the age of majority in the Comoran legislation is a matter of concern. The lack of a uniform minimum legal age for marriage for both boys and girls and the occurrence of early marriages are also areas of concern.

22. The Committee recommends that the State party: continue its efforts to harmonize existing provisions concerning the age of majority to establish one clear age at which the child legally becomes an adult; increase the legal minimum age for marriage and ensure non-discrimination against girls in this regard; and consider the need for effective public information and sensitization activities to discourage early marriage.

3. General principles

Non-discrimination

23. With regard to article 2 of the Convention, the Committee expresses its concern at patterns of discrimination on grounds of gender, religion, ethnic origin, disability and birth or other status (e.g., children born out of wedlock).

24. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and address those cases which continue to occur affecting all vulnerable groups, and particularly girls, children with disabilities and children born out of wedlock. The Committee also urges the State party to give particular attention to addressing discrimination against both girls and women, inter alia, by reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided.

Respect for the views of the child

25. The Committee is seriously concerned at the way in which the principle of respect for the views of the child (art. 12) is interpreted in the State party, especially since, according to the report, a child needs to be "trained" to become a human being. In addition, with regard to children s participatory rights, concern is expressed about the insufficiency of the measures taken by the State party, especially to promote the participation of children in the family, in the community, at school and in other social institutions, as well as to ensure the effective enjoyment of their fundamental freedoms, including freedom of opinion, expression and association.

26. The Committee emphasizes the importance of promoting respect for the views of the child and encouraging child participation. In this regard, it encourages the State party to promote public awareness of the participatory rights of children and urges the adoption of effective measures to ensure respect for the views of the child within schools, families, social institutions and in the care and judicial systems, in accordance with the provisions of article 12 of the Convention.

4. Civil rights and freedoms

Birth registration

27. The Committee is concerned at the limitations in the State party's birth registration system, which prevent an accurate statement of the identity or age of a child and can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced.

28. In the light of article 7 of the Convention, the Committee recommends that the State party establish as quickly as possible the practice of systematic birth registration for all children born within the national territory. The Committee further urges the State party

to proceed with the registration of those children who have not been registered. In addition, the Committee encourages the State party to ensure that birth registration procedures are widely known and understood by the population at large.

5. Family environment and alternative care

Alternative care measures

29. While noting the positive aspects of the placement of children in informal foster care, in particular of children from rural areas, for educational reasons, the Committee is concerned at the lack of adequate monitoring to prevent possible abuse of these children, such as their use as domestic workers.

30. The Committee recommends that the State party undertake the necessary measures to establish outside supervision of these placements, in order to prevent the child being abused by his/her foster family.

Protection from abuse and neglect

31. Concern is expressed at the insufficient awareness regarding the harmful consequences of ill-treatment and abuse of children, including sexual abuse, both within and outside the family. While aware that the draft family code aims at the protection of the dignity of the child, the Committee is concerned that the practice of corporal punishment in the home is socially and legally accepted, particularly for boys. The practice of corporal punishment in Koranic schools is also a matter of concern.

32. The Committee recommends that the State party take effective measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in other institutions, and in society at large. Furthermore, educational programmes should be established to combat traditional attitudes in society regarding this issue. In particular, the Committee recommends that the State party include in its legislation a specific prohibition on the use of corporal punishment within the family and at school. The Committee encourages the State party to consider seeking to this effect international cooperation from, inter alia, UNICEF and international non-governmental organizations.

6. Basic health and welfare

Right to health (art. 24)

33. The Committee expresses its concern at the State party's high infant and maternal mortality rates, the large number of births taking place outside the hospital system and the high rate of malnutrition among children. Concern is expressed at children's limited access to the health services, especially with regard to the shortage of medication and technical equipment, and of medical and public health personnel. The spread of the HIV/AIDS epidemic and its direct and indirect effects on children, as well as the general lack of attention to the health problems of adolescents, are also matters of concern.

34. The Committee encourages the State party to increase its efforts in the health sector, including through the strengthening of data collection and disease surveillance mechanisms, the allocation of adequate resources and the reinforcement of training and support for health sector staff. It recommends that the State party ensure equitable access to existing health-care services and that it make every effort to increase vaccination coverage. The Committee urges the State party to adopt, in cooperation with international agencies, effective plans to combat childhood and maternal mortality, such as the WHO/UNICEF Integrated Management of Childhood Illness scheme.

35. The Committee recommends that the State party continue taking effective measures for the prevention of HIV/AIDS, including awareness raising and educational campaigns. The Committee further recommends that the State party take into consideration the Committee's recommendations adopted on its Day of General Discussion on "Children living in a world with HIV/AIDS" (CRC/C/80, para. 243). International technical assistance from, inter alia, UNICEF, WHO and UNAIDS, should continue to be requested in this regard.

36. The Committee also recommends that the State party study and effectively address the health problems of adolescents, in particular in the area of reproductive health education and the prevention of teenage pregnancies.

Children with disabilities (art. 23)

37. Concern is expressed at the situation of children with disabilities who are marginalized and discriminated against. The Committee expresses its concern regarding the lack of legal protection, programmes, facilities and services for children with disabilities, aimed at facilitating their development and full integration in society.

38. In the light of article 23 of the Convention, of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its Day of General Discussion on "The rights of children with disabilities" (CRC/C/69, para. 338), the Committee recommends that the State party establish special education programmes for children with disabilities and actively seek their inclusion in society. The Committee further recommends that the State party conduct an assessment of the number of children with disabilities, the type of disabilities and the needs of children with disabilities with regard to rehabilitative and other forms of care. The Committee encourages the State party to seek technical assistance, including for the training of professional staff working with and for children with disabilities, from, inter alia, UNICEF and WHO.

Standards of living (art. 27)

39. The Committee expresses its concern at the situation of a growing number of children who, owing to rural exodus and poverty, are forced to live and work on the streets.

40. The Committee recommends that the State party establish special programmes to address the situation of children living and/or working in the streets. Moreover, the State

party should ensure that these children have access to: health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; comprehensive education, including vocational and life-skills training; and legal aid. The Committee recommends that the State party seek assistance from, inter alia, UNICEF.

41. The Committee also expresses its concern at the problems of environmental degradation in the State party, including very limited access to drinkable water, and at the precarious conditions of housing facilities for families.

42. In the light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including through international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies. The Committee also recommends that the State party take effective measures, including through international cooperation, to improve housing facilities for families.

7. Education, leisure and cultural activities

43. The Committee expresses its concern that school enrolment ratios are low and equal access to education is not ensured; at the high level of illiteracy in the country and at gender disparities in school attendance and high drop out rates. The Committee is also concerned that the education system is affected by a general lack of facilities and equipment, insufficient qualified teachers, and a drastic shortage of text books and other learning materials.

44. The Committee recommends that the State party continue its efforts to promote and facilitate school attendance, particularly among girls. In the light of article 28 of the Convention, the Committee recommends that the State party take effective measures to ensure that primary education is available to all, to improve the quality of teaching and to reduce drop-out rates. The Committee encourages the State party to seek to strengthen its educational system, if necessary by seeking further international assistance, from inter alia, UNICEF and UNESCO.

8. Special protection measures

Children and armed conflict

45. While aware of the limitations posed by the continuing violence in the breakaway island of Anjouan, the Committee expresses its concern at the reported use of child soldiers by the different militias in that island and at the lack of adequate rehabilitation services for the children affected by the armed conflict.

46. The Committee urges the State party to take every feasible measure, including through international mediation, to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society. Moreover, it urges the State party to take all necessary measures in cooperation with national and international

NGOs and United Nations bodies, such as UNICEF, to address the physical needs of child victims of the armed conflict, in particular child amputees, and the psychological needs of all children affected directly or indirectly by the traumatic experiences of the war.

47. Furthermore, the Committee encourages the State party to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Protection from economic exploitation, including child labour

48. The Committee expresses its concern at the allegedly growing number of children involved in labour activities, including in the informal sector, in agriculture and in the family context, and at lax law enforcement.

49. The Committee urges the State party to make urgent efforts to monitor and address the use of child labour. It recommends that the State party improve its monitoring mechanisms to ensure the enforcement of existing labour laws and protect children from economic exploitation. The Committee encourages the State party to ratify ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour and ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, and to seek international cooperation including, for example, through the ILO International Programme on the Elimination of Child Labour (IPEC).

Sexual exploitation, sale of children, child prostitution and child pornography

50. The Committee is concerned that as a result of the current socio-economic crisis in the State party, it is very likely that children may start to become victims of sexual exploitation, sale and pornography.

51. The Committee recommends that the State party take all available measures, including legal ones, for the prevention and combat of this phenomenon. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996. In this regard, the Committee encourages the State party to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The administration of juvenile justice

52. The Committee expresses its concern at the limited measures taken for children in conflict with the law. In particular, it is concerned at the detention of children in prisons with adults since there are no separate facilities for them, the deteriorating living conditions in detention centres and the lack of rehabilitation programmes.

53. The Committee recommends that the State party take effective measures to ensure that the juvenile justice system is in full conformity in practice, as well as in the legislation, with the provisions of the Convention, in particular articles 37, 40 and 39, and of other

United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee encourages the State party to consider seeking technical assistance in this regard from, inter alia, the member organizations of the Coordination Panel on Technical Advice and Assistance in Juvenile Justice, including the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF.

Dissemination of the reports

54. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to the publication of the report, along with the concluding observations adopted thereon by the Committee and the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.